

UNIVERSITY OF GOTHENBURG

School of Global Studies

The Two-Year Trap

A critical study of the Swedish Alien Act's two-year rule and its implications for intimate partner- and structural violence

Master Thesis in Global Studies, 30 hec.

Spring Semester 2019

Author: Regina Mattsson

Supervisor: Hauwa Mahdi

Word Count: 19354 words

Table of Contents

Abstract	3
Acknowledgments	4
1. Introduction	5
1.1 Aim and Research Questions.....	7
1.2 Relevance to Global Studies.....	7
1.3 Delimitations	7
2. Background	9
3. Previous literature and theoretical perspectives	11
3.1 Violence – Theoretical perspectives	11
3.1.1 Structural violence	11
3.1.2 Masculinities	12
3.1.3 Intimate partner violence	14
3.2 Violence – Empirical perspectives	16
3.2.1 Structural violence against women	16
3.2.2 Marriage migration and intimate partner violence.....	16
3.2.3 Gender equality, masculinities, and intimate partner violence	20
3.2.4 Assessment of the Legal framework.....	20
3.3 Citizenship.....	21
3.3.1 Citizenship – Theoretical perspectives	22
3.3.2 Citizenship – Empirical perspectives	23
4. Research design and method	25
4.1 Research approach.....	25
4.2 Choice of materials.....	25
4.2.1 Source assessment.....	27
4.3 Choice of critical analysis methods	28
4.4 Process of analysis.....	29

4.5 Trustworthiness	30
4.6 Ethical considerations	31
5. Empirical findings	33
5.1 Current legislation	33
5.1.1 Background to the law	34
5.2 Fraudulent marriages and at risk of violence.....	35
5.3 Exceptions to the two-year rule	36
5.3.1 Duration of residence	37
5.3.2 Rule of evidence	37
5.3.3 Severity of violence	38
5.4 Concluding remarks.....	40
6. Analysis and discussion	41
6.1 The two-year trap.....	41
6.2 Structural violence and the two-year rule.....	46
6.3 Structural violence and intimate partner violence in the two-year rule.....	47
7. Conclusions	52
7.1 Ways forward	53
7.2 Further research	54
References	55
Primary sources	60

Abstract

Marriage migration contests the normative boundaries of marriage and is therefore becoming object to vast regulations. The Swedish Alien Act's two-year rule is one such regulation, that is implemented to weed out "fraudulent marriages" among marriage migrants. This rule entails that upon arrival, the migrant is granted a temporary residence permit. In order to be eligible for a permanent residence the relationship has to last a minimum of two years. There are exceptions to this rule, one being the so called "violence-exception". This means that a continued residence permit can be granted prior to the timeframe, if the relationship ends due to violence. However, due to excessive requirements, the violence-exception seldom applies in practice. Thus, rendering women trapped in a no-win situation, where her choices are whether to stay in an abusive relationship, or leave, at the probable risk of deportation. This phenomenon has been referred to as "the two-year trap". This study seeks to explore in what ways the two-year rule may create a trap for women experiencing intimate partner violence (IPV), while discussing how structural violence and IPV may connect within the two-year rule. Based on a critical text analysis, the main findings conclude that the legislation and accompanying framework enables a situation of entrapment. The ways in which the overarching documents are written allow a power imbalance where men can utilise the legal system for their advantage, while migrant women are left vulnerable and at added risk of violence. This situation is created out of a lack of knowledge regarding IPV among the legislative and implementing bodies, while the will to sustain a regulated migration contradicts the obligation to ensure migrant women's equal human- and citizenship rights.

Key words: marriage migration, gendered citizenship, intimate partner violence, structural violence

Acknowledgments

My sincerest acknowledgements are extended to my supervisor, Hauwa, for your valuable advice, inspiration and feedback during this process. I would also like to express gratitude to my ever-supportive friends, my mother, Larsa, and everyone around me who have pushed me, consolidated, encouraged, and in other ways supported me along the way.

I would also like to extend a special thank you to my friend Aisha, without whom these past months in the library would have been intolerable.

1. Introduction

Globally an increasing amount of people are on the move (United Nations 2017). While most migrants leave their country of origin in search of better opportunities for themselves and their families, some are displaced due to conflict, persecution or disasters (IOM 2018). Alongside globalisation processes increasing migration flows, women's international migration has intensified over the past decade (Antman 2018). Today, almost half (48,4%) of all international migrants are women, while a majority of international migrants residing in Europe are women (United Nations 2017). Migrating to a spouse or partner, or "marriage migration", represents a substantial part of contemporary global migration, in particular among women (Chiu 2017; Pellander 2015). However, many studies indicate that migrant women are at added risk of experiencing intimate partner violence upon arrival (IPV) (Chiu 2017; Grazyna Lenardt 2008; Niedomysl, Östh & van Ham 2010).

Violence against women is a global phenomenon, an increasingly recurrent subject with the field of Global Studies, it cuts across all segments of society (Johnsson-Latham 2014). Approximately one third of *all* women aged fifteen and older have experienced physical and/or sexual intimate partner violence (IPV) in their lifetime (Clark et al. 2018; WHO 2013). While these numbers are exceedingly high, the statistics do not include other forms of violence and may thus not accurately demonstrate the width of the issue (Guruge, Khanlou & Gastaldo 2010). Although women of all backgrounds suffer IPV, certain risk factors can make individual women or groups of women at added risk. Due to consequences closely linked to their migration status, female marriage migrants is one such group that stands particular risk of IPV (Anitha, Roy & Yalamarty 2018; Chiu 2017; Lenardt 2008).

Challenging national norms and boundaries of marriage, marriage migration is subjected to vast legal regulations (Pellander 2015). Policies aimed at controlling marriage migration often result in controls aimed at identifying "fraudulent marriages" (Bonjour & Kraler 2015:1411). Sweden's Alien Act includes a 'two-year rule' that grants migrants moving to Sweden, due to family ties to a Swedish citizen, a temporary residence permit limited to two years (Burman 2012; Wilén 2010). If the relationship persists past the two-year period, the migrant may apply for a permanent residence permit. If the relationship ends prior to this timeframe however, the migrant has to return to her country of origin (Köljing 2015). There are three exceptions to the 'two-year rule', one being that the migrant may apply for permanent residency if the relationship has ended due to intimate partner violence (Köljing 2015). Albeit, being granted a residence permit due to IPV requires fulfilling several criteria, and in practice,

permanent residency is seldom granted based on this exception (Köljing 2015; Wilén 2009;2010). Women's aid organisations have long identified severe human rights violations within the application of the 'two-year rule', including women being exposed to IPV (Köljing 2015; Wilén 2010). Due to stringent criteria embedded in the two-year rule's so called "violence-exception", migrant women suffering IPV within the two-year period are often faced with two choices: either staying in a violent relationship or returning to a country where norms concerning divorce or "failure" of a relationship may mean facing threats, harassments, ostracisms or even death (Burman 2012; Lenardt 2008; Wilén 2010). This situation has led the two-year rule to being commonly referred to as the '*the Two-year Trap*' (e.g. Bagavac 2014).

Through an analysis of the legislation's two-year rule and associated documents, this study seeks to explore the ways in which the two-year rule might create a situation of entrapment for women experiencing intimate partner violence. Based on these results, the study further aims to explore whether this potential impact can be connected to the concept of structural violence. As well as how intimate partner violence and structural violence may connect within the two-year rule.

1.1 Aim and Research Questions

This study aims to examine how the Alien Act's two-year rule may create a situation of entrapment for women who experience intimate partner violence within the timeframe. The study further seeks to explore whether this potential impact can be connected to the concept of structural violence, as well as if, and in which ways, structural violence and intimate partner violence connect within the two-year rule.

The following research questions will guide the study:

- In what ways might the two-year rule create a situation of entrapment?
- How does the potential impact of the two-year rule link to structural violence?
- How do structural violence and intimate partner violence connect in the two-year rule?

1.2 Relevance to Global Studies

Through a globalisation of so called 'marriage fields', the areas within which one seeks an intimate partner, cross-border marriages are now more common than ever. This means that marriage migration is becoming an integral part of globalisation (Niedomysl et al. 2010). While migration is a commonly researched subject within the field of Global Studies, studies examining the consequences of marriage migration, such as intimate partner violence, are somewhat limited in the academic discourse (Bonjour & Kraler 2015; Kofman 2012; Fernbrant 2013). Although activities and research aimed at prevention of intimate partner violence are underway, there are still gaps to be filled (WHO 2013).

Situated within the field of marriage migration and gender-based intimate partner violence, this thesis seeks to contribute to this emerging field of research within Global Studies.

1.3 Delimitations

This study examines the two-year rule's potential impact on women who were granted temporary residency on the grounds of family ties to a partner in Sweden, and who during that time experience intimate partner violence. Although intimate partner violence is present within all forms of relationships, the majority of IPV is exercised by a man against a woman (Nylén 2014). Certain groups of people are particularly vulnerable to IPV and its consequences, including women with a migrant background (Johnsson-Latham 2014). Therefore, this study focuses solely on women in heterosexual relationships, who were granted temporary residency on the grounds of family ties to a partner in Sweden.

Women in other countries living under similar circumstances, have not been included in order to keep the focus on the Swedish Alien Act's two-year rule. Women in other forms of relationships, as well as women residing in Sweden as undocumented or on tourist visas, have also been excluded from this study. This delimitation was made in line with that of the Government public inquiry analysed in this study, namely SOU 2012:45.

2. Background

Intimate partner violence within the two-year rule, although widely discussed in public media, has not yet been sufficiently researched to facilitate a clear understanding of the phenomenon. This means that when working to provide a background to the subject, the author encountered a lack of academic literature to facilitate the references. Instead, online articles and publications by the Swedish Public Organisation for Women and Girl Shelters were used.

According to a study carried out by the Swedish Public Organisation for Women and Girl Shelters (ROKS) in 2009, out of the shelters that partook in the study, 80% stated that they had been in contact with women experiencing intimate partner violence (IPV) within the two-year temporary residence period. It was observed through the study that there are men who take advantage of the law's regulations and make a habit out of bringing women to Sweden, only to end the relationship prior to the end of the two-year temporary period (Wilén 2009; 2010). Women residing in Sweden within the two-year period, are particularly vulnerable to intimate partner violence (Köljning 2015). It is argued that these relationships are built on an, already viable, power imbalance between the partners that can lead to conflict and violence. During 2014 alone, over one thousand women sought support at the ROKS shelters as a consequence of IPV within the two-year rule (Köljning 2015). Even so, it is argued that the issue of IPV within the two-year rule is extensively underreported (ibid.).

If the relationship ends prior to the two-year timeframe, the migrant is to return to her country of origin. For the female marriage migrants in the ROKS survey however, moving back was not a realistic alternative. Returning may include a risk of social exclusion due to social norms of divorce, or "failure". Conversely, she may not have anything to return to, having sold all her assets in order to move to Sweden (Wilén 2009; 2010). Through acts including withholding information, hindering from accessing integration services and making threats about deportation, when subjected to IPV, the violence these women experience is often interlinked to their temporary migrant status (ibid). For the marriage migrant woman, her difficulties in accessing adequate support are further exacerbated by her migrant status. When seeking aid due to intimate partner violence, the ROKS survey claims that women receive varying, often insufficient support Swedish public institutions (Wilén 2009; 2010).

According to Wilén (2009; 2010), the women who receive a temporary residence permit due to a husband or partner in Sweden, who come into contact with ROKS' services, are usually from countries in the Global South. A majority of the women in the survey moved to Sweden

from Thailand. Apart from South East Asia, the second most common region of origin is the Middle East (Wilén 2009). In the survey, most female marriage migrants who marry a Swedish-born man with Swedish born parents, originate from a country in South East Asia. Whereas most female marriage migrants who marry a Swedish man, who was either born abroad himself or whose parents were born abroad, originate from the same region as the man they are marrying (Wilén 2009; 2010).

In 2015, a motion (Motion 2015/16:2129) was passed to the Parliament for deliberation which stated that the Swedish Parliament should review the two-year rule and provide more adequate information of legal rights to newly arrived women in Sweden. It argued that the two-year rule hinders the recognition of women's full human rights. The motion was received in 2015 and rejected in 2016 (2015/16: SfU15). Since then, no significant proposals or changes have been made to the legislation (e.g. Shala 2017).

3. Previous literature and theoretical perspectives

The previous literature and theoretical perspectives are based on the assumption that violence is a reflection of recurring social power relations, and may indeed be functional, intentional and patterned (Dobash & Dobash 1998:141). This chapter will engage with previous literature and theories highlighting violence, intimate partner violence, structural violence, masculinities and citizenship as the main concepts. These concepts are presumed to create a substantial framework which will guide the study. The chapter is divided into three overarching sections; beginning with theoretical and empirical perspectives on violence, followed by a section on citizenship, which includes a theoretical and empirical divide.

3.1 Violence – Theoretical perspectives

In order to provide a background to the concepts of structural and intimate partner violence, violence is defined. In this study, Galtung's (1969) model is used. According to Galtung (1969) there is no *one* definition of violence, instead the term includes several different types, and forms, of power exertions. It is of theoretical importance that the classification of violence indicates the significant dimensions that “can lead thinking, re- search and, potentially, action, towards the most important problems” (ibid.:168). Galtung (1969:168) further argues that violence as a concept must be “broad enough to include the most significant varieties, yet specific enough to serve as a basis for concrete action”. Violence can be divided into two distinct types: personal/direct violence and structural/indirect violence. This differentiation is made based on who or what exercises violence – an acting *subject* or an acting *actor* (Galtung 1969). Building on this model, the concept of violence furthermore includes any act that, through threats, intimidation, or violation, intends to pressure another person to do something against their will, or refrain from doing something they wish to do (Isdal 2002).

3.1.1 Structural violence

Structural violence refers to the avoidable limitations that society places upon groups of people in order to constrain them from achieving equal quality of life. These limitations include political, economic, religious, cultural and/or legal limitations, and often originate from institutions that hold authority in society (Lee 2016). Stemming from the notion that disease and poverty in the Global South are “the product of exploitation by colonial or neocolonial powers” (Hirschfield 2017:156). The concept in its original formulation was developed as a framework to explore the disparities in development and health between wealthy countries and impoverished postcolonial states (Hirschfield 2017:160). Galtung

(1969) who coined the term, defines structural violence as a deliberate impairment of fundamental human needs by different actors of power, that sustain relationships of inequality. Structural violence is not interpersonal but instead built into societal structures, making it visible through unequal access to power – and consequently: unequal chances in life (Galtung 1969). Subsequently, structural violence is present when people are suffering from something that is objectively avoidable, such as unequal access to power, regardless of whether there is a clear actor or not (Galtung 1969).

A key aspect of structural violence is that it is often subtle, even invisible at times, and accepted as a normality, or matter of course (Lee 2016). Structural violence is preventable, the harm caused is *structural* because it is embedded within economic and political organisations, and it is *violent* because it causes injury, harm, and even death to people (Burtle 2013; Lee 2016). Structural violence manifest within historically-given and economically driven processes that constrain individual agency (Burtle 2013). In contemporary society, structural violence is present when seemingly neutral decisions consequently cause unequal effects for different groups (Bohm 2018) and cause for example racial and gendered disparities (Lee 2016). Furthermore, behavioural, or personal, violence may be a result of structural violence (ibid.). The preventable nature of structural violence is of importance, particularly in terms of achieving equal human rights.

Albeit widely used, Hirschfield (2017) is criticises the concept as being poorly researched and increasingly outdated, in particular when used to describe contemporary epidemics of infectious disease. Even so, given its “scope, importance, and implications in terms of causing other forms of violence”, Lee (2016:110) argues that structural violence still today, is a central concept in contemporary research. In light of these theoretical arguments, it is appropriate to claim that the use of the concept of structural violence when analysing gender-based violence, can be a valid and fruitful approach. The concept of structural violence is used in this study to explore the ways in which structural violence may function through the two-year rule, and if so, how does it connect with intimate partner violence within the legislation.

3.1.2 Masculinities

Part of a wide structure, hegemonic masculinity is oftentimes used to understand how masculinities play a role in gender-based violence against women. In Western society, gendered identities are based on the idea of two dichotomously sexed bodies: male and female. These categories are entrenched with norms and expectations that permeate the way we think about ourselves and others (Braun & Wilkinson 2005). Gendered identities are

continuously negotiated in relation to prevailing power structures (Butler 1998; Rose 1997) and are accomplished through patterns of social practice and rules of conduct in everyday life (Connell 2001). However, gender identities are neither binary nor dichotomous, but rather include multiple social variables (Butler 1998). Using gender identities as an analytical frame has proven useful to understand gendered power relations (Rasmussen 2009), such as intimate partner violence (McCarry 2007).

Stemming from ‘hegemonic masculinity’, which refers to the legitimisation of power and the global subordination of women (Connell 1995), there are different ways of ‘doing’ masculinity (Connell 2001). It is argued for instance, that the social construct of masculinity is interlinked with violence (Michalski 2017). Two explanatory concepts of masculinity are ‘*hyper masculinity*’ and ‘*toxic masculinity*’. Hyper-masculinity is visible through “excessive displays of manliness” such as presenting oneself as particularly powerful (Michalski 2017:46). While toxic masculinity refers to men’s sometimes *inherent* need for physical power as a source of ‘manliness’ – this feeling sometimes resulting in violence towards others (Castro 2018). Masculinities are socially constructed and mediated through social power relations (ibid.). Men’s violence against women can be understood and interpreted “as an expression of gender power hierarchy and a means of upholding it” (Hearn et al. 2012:42). Intimate partner violence by men can therefore be explained as something stemming from structural power and gender-related differences.

In a vast review of research concerning masculinity in Sweden over the past 40 years, Hearn et al. (2012) discuss the idea of hegemonic masculinity in the context of Sweden over time. The authors conclude that masculinity in Sweden must be understood as a gendered identity, created through social interaction. Although the country’s welfare system was first built around the male-breadwinner model, multiple policies have been implemented to create a more gender equal society. As of today, Sweden is highly ranked on gender equality assessments. However, this had led to some men feeling loss of power. Men’s violence against women is interpreted as an expression of gender power hierarchies and violence is understood as a means of upholding it (Hearn et al. 2012). Factors including frustration, need of control, and other reactions to the development of equality may threaten hegemonic masculinity, which in turn can result in violence. In contemporary Sweden, the dominant notion of how a man should be, a gender equal man, is reserved for the elite. The notion of the equal man contradicts the more polarised, binary, ideas of gender where more “masculine” men are positioned along certain social lines. The men who are considered more “masculine”

or less equal in any way are not included in the ideal notion of the equal man. This results in the ‘othering’ of the non-modern, outmoded, working-class, and/or ethnic minority masculinities, in relation to the dominant, white, middle-class, man (ibid.).

3.1.3 Intimate partner violence

The United Nations Convention on the Elimination of Violence against Women, adopted by the United Nations General Assembly in 1979 and ratified by 190 member states, including Sweden, defines violence against women as: “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (United Nations 1993, Article 1). The declaration highlights violence as a question of human rights and states that it is every nation-state’s responsibility to protect women through the prevention and eradication of gender-based violence (Heimer, Björck & Kunosson 2014).

Intimate partner violence (IPV) includes several overlapping, yet very distinct, forms of violence including: physical, psychological/emotional, sexual, economic and material violence (Krebs et al. 2011). Physical violence is defined as ‘the intentional use of force’ with potential to harm or injure. Psychological/emotional violence involves threats and coercive tactics such as isolation, humiliation and control. Sexual violence includes sexual assault, forcing or provocation to force sexual activity (ibid.). Economic violence includes limited access to credit or funds, controlling access to health care, employment, education or placing loans in one’s name (Fawole 2008). Material violence is defined as the perpetrator breaking or destroying material assets, and/or ruining things of sentimental value (Karlsson 2015a). Furthermore, digital violence, latent violence, neglect and violence against pets are other forms of violence that can be used to control, manipulate, and/or threaten a person (Våldinärrelationer 2018; Karlsson 2015b; 2015c).

Intimate partner violence is characterised by being systematic and taking place an elongated period of time (Duffy 2015). IPV rarely functions through single events, it is rather part of a pattern of different abuse, used as a means to exercise power and control. Intimate partner violence creates physical and physiological suffering and affects the woman’s whole life situation. Consequences of IPV include short and/or long-term physical and physiological illness, problems in trusting oneself and others, isolation, impaired parenting ability due to experienced difficulties protecting oneself and one’s children, physical injuries, acute housing

problems, expensive housing costs, indebtedness caused by the perpetrator, as well as sick leave (Socialstyrelsen 2019). Intimate partner violence does not affect everyone in the same way, similarly not all women share the same options and possibilities to affect their own situation. Factors such as gender, ethnicity, sexual orientation, ableism, and class, inform the experiences of, and the responses to, IPV (e.g. Chiu 2017:33).

3.1.3.1 Leaving intimate partner violence

Women are often questioned as to why they do not leave an abusive partner. Lundgren (2012) argues that this is due to a process of normalisation which leads to higher tolerance and acceptance levels. This means that the boundaries of what is acceptable gradually shift alongside the victim's degradation of power in the situation. Though this process, the violence goes from being something unacceptable, to becoming normalised, even accepted, within the relationship (ibid.). The perpetrator often roots the violence in the woman's presumed flaws, forcing her to adjust to the perpetrator's ideal of how she *should* be. Although she adjusts and creates strategies to conform to this ideal in order to lessen the violence, the perpetrator finds new flaws and creates further stringent expectations. Finally, the woman may even feel responsible for the violence (ibid.). Lundgren (2012) notes that the longer the violence persists, the harder it becomes to leave the abusive relationship. Lundberg's concept of a normalisation process has been criticized for not sufficiently taking the woman's resistance efforts and agency into account, efforts that result in finally leaving. Instead Lundberg emphasises how the violence is maintained (Lenardt 2008). Lenardt (2008) argues that women who experience intimate partner violence increase their tolerance levels simultaneously as the violence becomes more frequent and severe. This increase is however only to a certain point when the violence is no longer tolerable and the increase ceases to work (ibid.). Women resist the violence and develop strategies aimed to end the IPV and to change her partner (Lenardt 2008).

The woman's decision to leave or stay in the relationship should always be understood as a rational decision, based on her point of view of her circumstances (Lenardt 2008). Leaving is almost always against the man's will, and it is important to keep in mind that leaving does not necessarily ensure an end to the violence. That recognition, and fear of the violence escalating, may hinder or delay her decision (Nordborg 2014). The breakup often happens gradually. It is common that the breakup process includes multiple temporary breaks leading up to the definite breakup (Nordborg 2014). It is estimated that a woman exposed to IPV in

general leaves and returns to the relationship three to five times prior to the final breakup (Enander & Holmberg 2004; Enander, Eriksson Larsson & Holmberg 2011).

3.2 Violence – Empirical perspectives

The following sections describe the empirical perspectives of structural and intimate partner violence. There are few published academic articles about the specific situation of women within the two-year rule and their experiences of intimate partner violence. Thus, articles concerning migrant women in general and migrant women experiencing IPV in particular, are used. Further perspectives include previous research concerning structural violence, masculinities, as well as assessment of the legislation.

3.2.1 Structural violence against women

In terms of access to rights, education, health care, jobs and livelihoods, the lives of women around the world have seen a vast improvement in recent decades. Despite this progress, gender inequality still persists, and structural violence against women and girls is still both severe and widespread (Lee 2016). According to Lee (2016) an increase of rates in death and disparities due to structural violence are often intertwined with behavioural violence, such as family violence, gender-based violence and/or racial violence. Lee (2016) considers this in terms of a lack of human rights and asserts that structural violence involves the division of something into superior and inferior. The author provides examples of structural violence, including the almost 300,000 avoidable maternal deaths worldwide during 2010 most of which occurred in low-and middle-income countries; as well as the millions of people worldwide living with HIV, most of which from low-income countries “with limited access to prevention and treatment facilities” (Lee 2016:111).

In terms of gender disparities, Anderson (2009:1444) argues that gender itself is a form of structural violence, as it creates the basis for an unequal societal allocation of power that render women more vulnerable to “strategies of coercive control”. Finally, Sinha et al. (2017:134) use Galtung’s model of structural violence to argue that violence in itself is “gendered, embodied, and institutionalized”. The authors emphasise that structural inequalities are particularly harmful to women due to the intersection of gender with existing social and socioeconomic conditions (ibid.), and in terms of citizenship and migrant status.

3.2.2 Marriage migration and intimate partner violence

Although marriage migration is the most common form of migration among women, different mechanisms seem to underlie marriage migration among women and men alike (Niedomysl et

al. 2010). Due to ideas of patrilocality, where the woman is assumed to move across borders to her spouse, marriage migration becomes inherently gendered (Chiu 2017). Niedomysl et al. (2010) contends this idea and argues that it is rather the patterns of geographical origin that are gendered and claims that female marriage migrants in general move from ‘relatively poor’ to ‘more affluent’ countries. Niedomysl et al. (2010) stresses that gendered patterns of geographical origin are a result of poverty and exploitation.

However, Johnsson (2007) suggests that western husbands of so called “migrant brides” are not intending to exploit women but are in search of partners who hold more “traditional” values, traits that may be increasingly difficult to find locally (ibid.). Conversely, the women marrying western men report that they are in search of stable husbands who are willing and eager to build a family (ibid.). According to Anitha (2011:1271) women from South Asian countries long for the myth of a “prosperous life in the West”. In a study examining cross-border marriages in the United Kingdom, Anitha (2011) concludes that the women are not victims, but agents wishing to fulfil their personal expectations of marriage. Thus, accepting dislocation and distance in return for greater independence, work, and educational opportunities, as well as more equal companionship and stable economic situation (ibid.).

In Sweden, the largest proportion of female migration due to marriage or cohabitation occurs between Swedish male citizens and women from Southeast Asia, Russia, Iraq, Iran, Brazil and China (Pongthipatt et al. 2018). These women are often agents of their own migration, moving to better their own and their family’s lives (ibid.). Even so, these relationships tend to be less equal, and often include “dependency and vulnerability on the woman’s part” (Pongthipatt et al. 2018:1). In their study of Thai women’s lived experiences of intimate partner violence committed by Swedish men, Pongthipatt et al. (2018) observed high levels of intimate partner violence. The authors found that Swedish-born men in cross-border marriages are in general older and less educated than the average married man. According to the authors, these factors may play a role in exercising violence against an intimate partner (ibid.).

A vast amount of research, with intersectionality as a starting point, has begun to address the particular vulnerability of migrant women in regard to intimate partner violence (Guruge et al. 2010). Chiu (2017) identifies that marriage migration, as a distinct form of migration, involves certain inherent risk factors that render marriage migrants particularly vulnerable to IPV. The distance entailed in cross-border marriages may partake in the exacerbation of women’s vulnerabilities, through an absence of relational networks which isolates women

from potential allies and information sources of support (Anitha et al. 2018: 748). Social isolation, lack of awareness about services and language barriers further contribute to the particular vulnerability of marriage migrants (Anitha 2011). When exposed to IPV, these barriers may further generate obstacles in accessing adequate information and aid – thus deepening the oppression (Anitha, et al. 2018; Burman 2012; Pongthipatt et al. 2018). Additionally, Anitha (2011) notes that fear of racist responses may act as additional barriers which prevent women of minorities from accessing services, or even disclosing the abuse. Some women experience lack of sufficient support, for some this can be enhanced by the fact that social and health care services are dominated by professionals who do not share, nor have knowledge, of their particular background (e.g. Anitha et al. 2018; Lenardt 2008). Furthermore, the lack of support in welfare services may include the absence of satisfactory translation services (Anitha 2011).

In a dissertation by Grazyna Lenardt (2008), about migrant women who experience intimate partner violence in Sweden, the author argues that, although women with a migrant background experience similar physical violence as other women, the other forms of IPV differ and are closely linked to their migrant status. Many obstacles arise due to specific circumstances in the destination country, which enhances the effects of IPV. The discrimination and cultural stigma regarding her migration status constitutes her subordination to the perpetrator. The perpetrator can in turn take advantage of her isolation in the greater society (ibid.). Oftentimes the perpetrator is the woman's link to society, and he can isolate, control her and cut off information flows quite easily (Lenardt 2008). Societal mechanisms create obstacles for these women, who are caught between certain mechanisms and the perpetrator's violence (ibid.).

Based on interviews with 139 women from 32 countries who experienced intimate partner violence within their relationships, Lenardt (2008) could show that 85% of these women often, or sometimes, felt lonely or isolated and that every other woman had been threatened with expulsion from the country by their male partner. Furthermore, the women told stories of their partners taking advantage of their vulnerable position in Sweden, knowingly providing false information or threatening to take custody of their mutual children; creating negative rumours about them in their country of origin, making a return more difficult; even hindering women from learning Swedish (ibid.). Similarly, Anitha et al. (2018:759) claims that the perpetrator of violence in cross-border marriages often exploits woman's unfamiliarity with

available sources of support, including a lack of knowledge about the police and the services they offer (ibid.).

Marriage migrants indeed experience added vulnerabilities as their residence in a country is so clearly tied to their marriage. This means that a divorce or being left by their husband could entail deportation, and in some cases even separation from their children (Anitha et al. 2018). In the aforementioned study, Lenardt (2008) quotes a woman, who describes how her former abusive husband has brought a “new wife” to Sweden while she herself is facing deportation. The woman argues that while Sweden is supposed to be a country for women, in reality, men can exploit migrant women and have them deported. She argues that men can continuously and unquestioned can continue this conduct, because the Swedish law actually justifies their actions (ibid.).

Women of all cultures, ethnicities, and classes deploy similar methods for leaving abusive relationships (Potter 2007). Albeit, some variations exist. For some, religion or spirituality can be such a variation, for others, relational and personal development play a part (Potter 2007; Wuest & Merritt-Gray 1999). Socio-structural influences are often embedded in the process, as one may not have the possibilities, understandings, network, nor financial opportunity to leave (Wuest & Merritt-Gray 1999). Duffy (2015) argues that women who leave intimate partner violence may be pushed into poverty, through a lowered economic status often as a result of ongoing health effects of the violence. Further abuse, debt, and the financial cost of leaving the partner provided reasons to stay in the abusive relationship. Although these studies are not specifically aimed at marriage migrants. In regard to the specific situation of dependence for these women, it can be assumed that for marriage migrants, their experiences are similar, if not exacerbated (e.g. Anitha et al. 2018; Lenardt 2008).

In summary, violence linked to the woman’s migration status oftentimes operate through threats of expulsion from the country, isolation from participation in society and withholding information about societal rights (Anitha, et al. 2018; Burman 2012; Pongthipatt et al. 2018). When conceptualising intimate partner violence in cross-border marriages, it requires an understanding of the globalised world and how gender intersects with other axes of disadvantages (Anitha et al. 2018). These gendered disadvantages are further discussed in the analysis and discussion chapter. This study uses the concepts of intimate partner violence against migrant women, and expands the barriers created by societal structures to include the Alien Act legislation.

3.2.3 Gender equality, masculinities, and intimate partner violence

Numerous research and theories have sought to explain why intimate partner violence occurs. According to Guruge et al. (2010:2) these can be divided into two groups of theories; those who emphasise the individual level of the victim/perpetrator, and those placing focus on systemic factors or interpersonal relationships at household, community and society levels (Barchi et al. 2018; Wuest & Merritt-Gray 1999). In other words, researchers focus on either biological and physical explanations or, on social, gendered and power perspectives within a larger social context (Barchi et al. 2018; Guruge et al 2010; Wuest & Merritt-Gray 1999). According to Pongthippat et al. (2018), male pathologies are often used to explain IPV, meaning that violence may increase when the man experiences a lack of power/control in addition to socio-economic poverty, or a woman's increased power position. In other words, they argue that "powerless men" exhibit violence to a greater extent (ibid.)

A general idea is that increased gender equality would eradicate intimate partner violence. However, research shows that this is not always the case (Gracia and Merlo 2016). Gracia and Merlo (2016) argue that higher equality does not automatically replace IPV. Instead, heightened gender equality within society may result in men feeling loss of power as women and men become more equal, consequently resulting in male extroverted presentations of power (Gracia & Merlo 2016). Take Sweden for example, which is ranked high on gender equality indexes, yet high levels of prevalence of IPV is reported. It is stated that over one in four women in Sweden have experiences physical and/or sexual violence by an intimate partner (ibid.).

3.2.4 Assessment of the Legal framework

An assessment of the Swedish legal framework of the two-year rule is found in Monica Burman's (2012) study. According to Burman (2012) several measures have been introduced to form more gender sensitive laws and policies in order for the Swedish state to meet their responsibilities in regard to the United Nation's Convention on the Elimination of Violence Against Women (CEDAW). The United Nations have for years expressed their concerns regarding the human rights of female migrants, refugees and minority groups in Sweden (ibid.). Burman (2012) argues that while other Swedish laws stay updated in terms of research on gender-based violence and women's rights, the Swedish preparatory works for the immigration law is dominated by a lack of knowledge regarding intimate partner violence. The author describes the situation for women experiencing IPV in the two-year rule as being trapped in a no-win situation (ibid.). Burman (2012) further stresses that many women do not

disclose their abuse to authorities due to a fear of deportation. The study examines cases tried by the Migration Court, and highlights that obtaining a permanent residence permit due to exposure to violence is difficult. In order to be eligible for a permanent residence permit based on the so-called violence-exception, one must fulfil several criteria including: severity of violence, duration of residence and rule of evidence. There are two other exceptions, by which one can be granted continued residency if the relationship ends prior to the two-year timeframe. These include having special ties to Sweden or other strong reasons, such as risk of social exclusion, speak against deporting the migrant (ibid.).

Burman (2012) observes three cases in particular, which include legal practice generating ideas of the violence-exception's criteria. In one ruling, the woman was assumed to meet the criteria for severity of violence, however, the time period of four months that the couple had lived together was deemed too short to fulfil the criteria regarding duration of cohabitation (ibid.). In two other cases, the women did not meet the criteria of severity of violence, as they had failed to prove the prevalence of *physical* violence. In one of the three cases, the cohabitation period had lasted for nine months, which was deemed short, however, long enough to meet the duration of residence criteria. Finally, in two out of the three cases, the woman had been granted a residence permit due to "other strong reasons" based on risks involved in returning to her country of origin (ibid.). Burman (2012) clearly states that the legal practices surrounding this group of women stands in stark contrast to Sweden's otherwise zero-tolerance policies regarding violence against women. Burman's (2012) study presents similar results to that of Anitha (2011). Anitha (2011) argues that for women with an insecure immigration status, state policies in general and immigration policies in particular may interact with structures of gender oppression, racism, and class.

3.3 Citizenship

In terms of the study at hand, the concept of citizenship is of importance when understanding what rights and obligations one has in regard to the state. Furthermore, it is valuable when examining who the state seeks to protect, both in terms of preventing fraudulent marriages (e.g. implementation of the two-year rule) as well as when providing support after subjection to intimate partner violence. The theoretical perspectives are followed by empirical perspectives on citizenship. Finally, the concept of *disposable women* is introduced.

3.3.1 Citizenship – Theoretical perspectives

Citizenship is an important concept when analysing structure violence, as it encompasses a relationship between the individual and the state (Yuval-Davis 1997:68), while generating boundaries for members and non-members (Shklar 1991). Shklar (1991) defines citizenship as the legal recognition, both domestically and internationally, of membership in a certain nation-state. Although first created in 1950, Marshall's (1950:10-11) definition of citizenship is still widely used today. It is defined through three distinct forms: civil (freedom of the person and right to justice); political (the right to participate in politics); and social (the right to economic welfare, security and the right to live according to the prevailing standards of the given society). According to Marshall's definition citizenship status is granted those who are full members of a community. Marshall's definition differs from that of more liberal definitions, which constructs the individual as a member of a *state* rather than a member of a *community* (Yuval-Davis 1997:69). Despite the general idea that citizenship is something universally defined, the term is applied differently to different groups of the population (Yuval-Davis 1997:68). According to Yuval-Davis (1997:68), women's citizenship needs to be understood not only in relation to that of men, but in relation to other dominant and/or subordinate groups in that particular society.

Although citizenship is not an exhaustive category, it is favourably used to shed light on complex relationships between states, collectives and individuals, as well as the ways in which gendered relations and social divisions affect and are affected by them (Yuval-Davis 1997). The struggle of constructed boundaries of citizenship within or between nation-states involve certain criteria for inclusion and exclusion. These requirements are inherently related to ethnic, gendered, and class division (ibid.). The debate of citizenship for certain minorities arguably touches all levels within Marshall's (1950) definition. However, for certain minority groups, the primary concern may involve more basic rights, including entering and remaining in a country (Yuval-Davis 1997). For some minorities even when the question of entering and remaining in a country is solved, formal citizenship may still be gated by further rules and regulations (e.g. Yuval-Davis 1997). Situations like these can ultimately lead to migrants being deprived certain social rights that other members in that society holds (ibid.). Migrant women in particular are subjected to "intimate regimes of surveillance and discipline" by the state, employers, and by communities. These women are continuously "denied rights, social welfare, citizenship and belonging" (Marchand & Runyan 2011:100).

3.3.2 Citizenship – Empirical perspectives

Cheng and Choo (2015) summarise current research in a review of literature concerning women's migration for domestic labour and transnational marriages in East and Southeast Asia. The authors observe that marriage migrants often engage in methods of contestation in regard to the prevailing boundaries of citizenship on one hand, and their own sense of belonging on the other. The review reveals that female marriage migrants face challenges concerning stigma and suspicion in regard to their citizenship status. Implying that the state understands 'migrant wives' as "morally suspect of faking their marriages for citizenship or work" (Cheng & Choo 2015:661). This raises doubts of the legitimacy of these women's membership in the nations. As a result, border controls are applied and an increase in surveillance ushered (ibid.). In one reviewed study, examining female marriage migrants in Taiwan, the immigration officials who are to determine the authenticity of marriage often act as "border control" during marital interviews. Albeit the Taiwanese state is legally committed to protecting women facing intimate partner violence, the logic and practice of "border control" is contradicted, as these women, or "non-citizens", often face deportation (Cheng and Choo 2015). While marriage migrants are often positioned as boundary makers of a nation, the authors conclude that migrant women in transnational marriages have long contested the "boundaries of citizenship in migrant-receiving countries" (Cheng & Choo 2015:660). Although the studies concern countries in East and Southeast Asia, based on the previously mentioned literature, certain similarities can be drawn in terms of women being morally suspected and subjected to vast regulations as the state practices border control.

In a study of transnational abandonment as a form of violence against women, Anitha et al (2018) use Wright's (2006 in Anitha et al. 2018:767) concept of '*disposable women*' to draw attention to "the structural preconditions of women's vulnerable location" in cross-border marriages". Based on ideas of capitalism and globalisation, the concept entails the process within which *value* and *waste* is both generated and circulated through "global flows of capital and power", resulting in the embodiment of a "third world disposable woman" (ibid.). Anitha et al (2018) argue that in a globalised world, policies within the state may serve to construct migrant women, especially those within marriage migration from the Global South, as a subordinate category of citizens. In turn making them 'disposable' due to the lack of restrictions of their abuse and abandonment.

Anitha et al. (2018:769) depict the gendered citizen as a social, cultural, and political category determined by formal legal frameworks within and between nations. The inadequacies of

seemingly gender-neutral national, and transnational, legal frameworks construct transnational brides “as a particularly vulnerable and disposable category of women”. It is by addressing the structures that function to enhance women’s vulnerabilities that solutions can be found. Through a better protection of women’s human rights within and across nation borders, perpetrators can be held to account for their actions. Consequently, the structures within which some “men perceive transnational wives as disposable women” can be dismantled (Anitha et al. 2018:770).

This chapter has illustrated definitions and expressions of different forms of violence within varying contexts. Through an understanding of intimate partner violence, structural violence, masculinities and citizenship, an analysis of the two-year rule will be made. The chapter has also provided an introduction to the patterns and logics of marriage migration, both in terms of research and legislation. These concepts will be further used to explore how intimate partner violence and structural violence connect within the two-year rule.

4. Research design and method

This study deployed a qualitative approach, using critical research methods in order to explore the ways in which intimate partner violence and structural violence may connect within the two-year rule. As well as how the two-year rule may create a situation of entrapment for women experiencing intimate partner violence. A critical social analysis, combined with aspects of critical political discourse analysis, were used to analyse official documents used in this study. This chapter will provide a detailed overview of the methodological approach used throughout the study, including the research method, choice of documents, process of analysis and ethical considerations.

4.1 Research approach

The study sought to explore a subject where previous research was lacking by exploring the two-year rule and surrounding documents, which made a qualitative approach fitting (Creswell 2003). In line with qualitative research, five documents were examined and created the basis for analysis. The chosen documents were considered “soft data” in the form of official documents (Creswell 2003; Watt Boolsen 2007). Working through a bottom up approach, the data was organised through abstract themes and patterns, that formed units of information. This inductive approach entailed the back and forth motion between themes and the studied documents, which later led to the development of comprehensive themes which formed a basis for the choice of concepts and theories (Bryman 2012; Creswell 2003).

This study aimed to examine a social situation in contemporary society, through which an analysis of the dynamic correlations between people, policy, and the society at large, was made (Fingeld-Connett 2014; Watt Boolsen 2007). A critical approach was therefore chosen, as it encompasses a certain aim, or possibility, for social change (ibid.). To explore how the two-year rule and its surrounding documents may impact a social situation, an extensive text analysis was chosen and carried out in line with the qualitative approach of this study (Bryman 2012). A comprehensive text analysis lends itself to shedding light on certain societal, or social, problems within social science (Bergström & Boréus 2012), chosen as it was in line with the critical approach of the study.

4.2 Choice of materials

Within the field of Global Studies, many researchers show a particular interest for language and texts, oftentimes using texts specifically in their studies. Some even argue that in order to say something about society’s ways of thinking and acting, one must study the language itself

(e.g. Bergström & Boréus 2012). Documents were chosen as the basis for analysis as a way to explore the language and construction, in order to analyse the background to, and implementation of, the two-year rule. Five official documents were chosen based on their relatedness to the research questions, including the legislation, preparatory work, a judicial ruling, as well as two government reports.

The official documents used in this study are all published by government ministries, meaning that they are primary sources of data (Bryman 2012). The first document is the Swedish Alien Act's (UtlL 2005:716) Fifth Chapter, which regulates residence permits and the two-year rule. The second document is a government proposal, or proposition, named "Residence permit based on family ties" (Prop. 1999/2000:43), which is the preparatory work that provides the grounds for this legislation. The proposition included feedback from other authorities and women's aid organisations. The third document is the government's official investigation of the implementation of this law, named "Women and Children in the Court's Borderland" (SOU 2012:45). The investigation was ordered to survey the occurrence of violence, threats and violations that affect migrant women who have been granted a residence permit due to family ties to a partner in Sweden. This report was sent to authorities, in five districts in Sweden, that are likely to come into contact with these women, including social services, police authorities, emergency departments as well as women's aid and victim aid organisations. The fourth document is a judicial precedent by the Migration Court of Appeal (MIG 2011:25), which has contributed to the established practice of the law. The fifth and final document is a government ordered investigation named "Continued residency after broken ties due to violence or serious violation – a mapping of the implementation" (Ds 2014:38). This investigation examines how the law has been applied and interpreted by the Migration Board and Migration Courts as well as guiding judgements by the Migration Court of Appeal.

Finally, a complementary question was sent by the author to the Migration Board via an official online questionnaire. The question was asked in order to receive information that was not found in the previously listed materials. The question enquired which legal rights a migrant has within the two-year temporary period. The answer concluded that: "As long as a temporary permit is valid, the migrant has the same rights as a person with permanent

residence permit. Please note that different public authorities can make different assessments” (Migration Board, personal communication, February 18, 2019)¹.

The law and the government proposition were chosen as they are the binding legal framework which regulates a migrant’s possibilities of residence in Sweden. The three additional documents provide a detailed description of the implementation of the legal framework. The Alien Act, the government proposition as well as the two official government reports were downloaded in their original language, Swedish, from the Swedish government’s website². The judicial decision, MIG 2011:25, was retrieved in its original language, Swedish, from the official website³ of the Migration Board’s Centre for country information and country analysis, “Lifos”. All five documents are from official sources, available to the public.

The documents were chosen on the basis of relevance to the research questions, as they provide the background to the construction as well as an assessment of the implementation of the two-year rule. The choice not to collect additional statistics were based on the availability of updated data through the official documents and academic sources. Given the scope and timeframe of this study, a document analysis was chosen rather than interviews with effected women. This choice was also made on the basis of the study’s aim. Rather than exploring the realities of women effected by intimate partner violence in the two-year rule, the aim determined a more theoretical discussion, to explore the legislation, the eventual connections to structural violence, and the ways in which IPV and structural violence may connect within the two-year rule.

4.2.1 Source assessment

Bryman (2012:544) offers a four-step method to validate one’s choices of material, including: authenticity, credibility, representativeness and meaning. Authenticity refers to whether the documents are genuine and of unquestionable origin. All documents used in this study have been obtained directly from official sources and thereby fulfil the criteria for authenticity. Credibility seeks to determine the believability of a document, if the content is accurate, and free from error or distortion. Representativeness deals with the question of whether a document is typical of its kind, and applies more to some documents than others. Meaning refers to whether the text is clear and comprehensible (ibid.). Credibility, representativeness

¹ Migrationsverket, kontaktcenter: noreply-flytta@migrationsverket.se. Text translated by the author.

² <https://www.regeringen.se>

³ <https://lifos.migrationsverket.se/>

and meaning are arguably reached as each document is official, thoroughly written, comprehensive and far from uncommon in their form.

Although the documents in this study are written, proposed or ordered by the Swedish government, they may still be biased. It is possible that the state has worded the documents in a way that puts themselves forth in a favourable manner. The judicial decision is a court ruling based on the law and is as such expected to be objective, though objectivity within the legal system can be discussed, as the legislation and government proposition leave some room for interpretation. The two reports, SOU 2012:45 and Ds 2014:38 were both inherently critical of the legislation and preparatory work. This suggest that the documents have not been deliberately altered to mislead the public and testifies to their credibility, representativeness and authenticity (e.g. Bryman 2012).

4.3 Choice of critical analysis methods

A combination of two critical methods of text analysis were used in this study, namely critical social analysis and elements of critical political discourse analysis (CPDA). The methods complement one another as they both seek to examine and analyse societal power dynamics, with an aim to formulate critique that attempts to provide strategies leading to change (Jørgensen & Phillips 2002). Critical social analysis is used to critically deconstruct texts to detect underlying societal power dimensions, while describing a social situation. This means it offered the possibility to further explore the consequences of, and ideas behind, the analysed documents. CPDA on the other hand, aims to break down political argumentation and how it can lead to practical action. This method was fruitful when analysing how the two-year rule may influence the possibilities given to, and the constructed reality of, women experiencing intimate partner violence within the two-year rule. A combination of the two approaches created an opportunity to one hand examine societal powers in regards to the two-year rule, while on the other, exploring the argumentation that create basis for the rule's implementation (e.g. Fairclough 2013; Fairclough & Fairclough 2012).

Critical social analysis views the world as “conceptually mediated”, meaning that social realities and social power dynamics have a reflexive character (Fairclough 2013). Serving as a critique, the framework was chosen as it provided tools to better evaluate and assess the social reality deriving from the two-year rule (ibid.). The explanatory aspect of critical social analysis includes viewing social realities as effects of structures, mechanisms, or forces (Fairclough 2013:178) which was of importance when explaining the two-year rule's impact.

Critical social analysis contributes to critically deconstruct texts in order to detect underlying societal power dimensions while exploring and evaluating a specific context or situation (ibid.). Thus, the choice was further supported by the possibility it offers to further understand consequences of the written language.

As a complement, critical political discourse analysis was used to unpack the argumentative discourse behind the legislation and accompanying documents. Critical political discourse analysis was developed from, and as a complement to, critical discourse analysis (CDA). CDA is politically aimed at, and committed to, social change (Jørgensen & Phillips 2002; Fairclough & Fairclough 2012). Discourse analysis in general is used to investigate how reality is constructed through language (Watt Boolsen 2007:169). As the empirical data includes official documents, viewing discourse, or language, as a form of social practice which constitutes the social world proved a useful approach. A critical discourse analysis further understands language as constituted by other social practices (Jørgensen & Phillips 2002), something that was of importance when contextualising the two-year rule in terms of social relations that “involve unequal relations of power” (Jørgensen & Phillips 2002:63).

Critical Political Discourse Analysis (CPDA) was developed as an expansion to CDA by Fairclough and Fairclough (2012). CPDA complements CDA as it focuses particularly on political discourse through texts, reports and other documents as a form of argumentation “for or against particular ways of acting” (Fairclough & Fairclough 2012:1). Consequently, when analysing the political documents in this study, CPDA was valuable to examine which argumentation was used, the social practices behind the argumentation, and how these create the foundation on which formal decisions are grounded (Fairclough & Fairclough 2012). Fairclough and Fairclough (2012) suggest that choices and actions that are made in response to certain contexts and goals are based on written, or spoken, practical argumentation. This approach provided an opportunity to view political articulation in the documents, to explore the argumentation behind the construction and implementation of the legislation.

4.4 Process of analysis

An in-depth reading of the materials was undertaken to gain a deeper understanding of the documents, using critical social analysis the first approach (e.g. Fairclough 2013). After the reading, theories and previous literature were gathered to further explore the correlation of the texts and the underlying structural dynamics, which may have had effects on the development of the legislation and surrounding documents. Theories were a valuable complement to

exploring the explanatory aspect of critical social analysis, and the ways in which the texts composition could be seen as effects of structures (Fairclough 2013). Secondly, a text analysis was carried out, using CPDA, focusing in the foundations of practical argumentation. The analysis explored the reasoning behind certain actions, as well as the embedded arguments and presumptions that lay ground for this reasoning (Fairclough & Fairclough 2012). It also focused on the ways in which these arguments and presumptions could be interpreted as representations of unequal power structures (ibid.).

To analyse the documents a twofold method of analysis was used. First, a basic operation within qualitative data analysis, and inherent to CDPA: *coding*. As a way of categorising the themes that arose in the documents, coding simplified the data and created a basis for the development of the analysis (Bryman 2012). Through a thorough review of previous literature and theories, the codes were first created as starting categories and then developed through a first in-depth reading. The documents were then read and highlighted in different colours based on themes such as: background to the legislation, practical arguments, societal power structures, and implementation of the legislation. Categories visible through certain words, sentences or paragraphs were jotted down next to the text and then revisited in a later stage (e.g. Fairclough & Fairclough 2012; Fairclough 2013). Once the data was coded, an additional reading of the data allowed for a gradual refinement of these notes into codes to map a wider conjunction (Watt Boolsen 2007). Practical arguments and examples of effects of social structures in terms of the criteria inherent the two-year rule, were particularly recorded and analysed (Fairclough & Fairclough 2012; Fairclough 2013).

Once the context of the material was established, the argumentation was further explored through the use of previous literature and theoretical perspectives. The data was then interpreted and presented as a text (Fairclough 2012). Finally, contextualising the documents with support from previous studies and theoretical perspectives helped deepen the analysis (Ackerly & True 2010).

4.5 Trustworthiness

Validity and reliability are useful concepts in quantitative research, but can prove challenging in qualitative research (Leung 2015). Some researchers argue that qualitative research requires a different set of criteria for evaluating a study. Bryman (2012:390) highlights the concept of “trustworthiness” as a useful tool to assess qualitative studies. Trustworthiness includes four criteria: credibility, transferability, dependability and confirmability.

Credibility involves ensuring that the research is carried out in good practice. The credibility of this study is strengthened through triangulation, i.e. using multiple sources of data, theoretical perspectives and methodologies. *Transferability* involves portraying “thick descriptions” or immense accounts of the details concerning the studied topic. This study has aspired to fulfil this criterion so that, even though it is portraying a unique situation, the results of the analysis may be usefully transferred and connected to other research findings. A detailed account of the data has also been made, as well as a comprehensive literature review, to further add to the transferability of the study. *Dependability* is the parallel to quantitative methodology criterion of reliability and entails keeping complete records of all the phases of the research process. The research process is summarised in detail within this method chapter to achieve dependability. Finally, *confirmability* ensures that the researcher has acted in good faith, not letting one’s own personal values sway the conduct of the results and analysis. As this study deploys a critical research method, it is inherently critical to the legislation and implementation. Albeit, through a vast use of triangulation including application of theories, as well as self-reflexivity, this study has sought to fulfil confirmability through acting in good faith in regards to the data, results and analysis (Bryman 2012).

4.6 Ethical considerations

This study can be placed within feminist research, a field where a main aim is to expose gendered power relations. By doing so however, one risks reinforcing prevailing norms and gendered structures – as researching gender indeed contribute to “doing gender” (Rose 1997:315). This study strived to avoid reinforcing negative and/or prevailing norms through contextualising the materials used (e.g. Ackerly & True 2010). Self-reflexivity also provided a helpful tool in order to avoid making universal claims and reinforcing norms (Pillow 2003).

This study aspired to adhere to the main elements of feminist research ethics including: attentiveness to power, boundaries of inclusion and exclusion, relationships and the situatedness of the researcher (Ackerly & True 2010:48). These key elements are not mutually exhaustive but rather interlinked. Practicing attentiveness to these elements was supported by self-reflexivity, vast background research, attentiveness to the author’s own privileged position, as well as input and feedback from the study’s supervisor.

In an effort to avoid reproducing an essentialised construction of the “migrant woman” as a powerless and passive victim, a thorough background of intimate partner violence and the processes of leaving, including emphasis on the women’s agency, was provided (Burman

2012: 3-4; Lenardt 2008). For this purpose, it should be stressed that gender-based violence is embedded in societal power structures, which shape the exposure and responses to intimate partner violence. Women subjected to violence are not powerless or passive, but make rational decisions based on their specific situation (Burman 2012).

5. Empirical findings

This chapter will present an overview of the content of the documents related to the two-year rule. Through a critical evaluation and contextualising of the documents, empirical findings are produced and developed in this chapter (Bryman 2012). The documents used include the legislation, preparatory work, a judicial binding ruling, and two governmental reports. A critical social analysis and critical political discourse analysis reveals the proposition and legislation's practical implementation. These findings will be further analysed in regard to the research questions in chapter six, where findings will be linked to previous research and theoretical perspectives. This chapter starts with an overview of the legislation itself, the background to the two-year rule, followed by the two-year rule and its exceptions, as understood through the documents.

5.1 Current legislation

The Swedish Migration laws are found in the Fifth chapter of the Alien Act (UtlS SF 2005:716). The Alien Act's fifth chapter regulates residence permits and includes conditions regarding the two-year temporary rule. The residence permit applications are administered by the Migration Board. The basic principle of the legislation is that any person who has family ties to a partner, who is residing, or holds a resident permit, in Sweden shall be granted a residence permit. To be granted residence permit based on a partner it is imperative that the relationship is deemed serious by the Migration Board. In their judgement, special attention is given to culturally specific situations such as arranged marriage. If the couple has not previously lived together for a longer period, or if the relationship is not assumed to be well established, the applicant is granted a temporary residence permit upon migrating to Sweden. As stated in paragraph seventeen of the legislation, a permit may be refused if the relationship was initiated solely for the purpose of the applicant gaining residence permit in Sweden.

The time period of the temporary residence permit is regulated in the fifth chapter's third paragraph. The paragraph states that the temporary residence permit shall last for a minimum of one year, after which a prolonged temporary permit may be granted. Although the timeframe of the temporary residence permit may vary, the standard is a two-year period before the migrant is eligible to apply for a permanent residence permit. Prior to the two-year timeframe, the migrant may have to attend a meeting with the Migration Board to update their temporary residence permit, a situation which is visible in the MIG 2011:25. According to paragraph sixteen however, the migrant may *only* be granted a permanent residence permit after the two-year period *if* the relationship persists. There are exceptions to this rule that

deliver an opportunity to apply for permanent residence permit even though the relationship ends prior to the two-year period. The three exceptions are regulated in the sixteenth paragraph and states that permanent residence permit may be granted prior to the two-year timeframe, in the case that:

1. The Migrant has special ties to Sweden,
2. The relationship has ended *mainly* because the migrant, or the migrant's child, are subjected to violence or other serious violation of their freedom or peace,
3. Other particularly strong reasons that indicate the need for permanent residence permit, such as risk of social exclusion upon deportation.

There is an emphasis on the word *mainly* in regard to the “violence-exception” because, as will be described in further detail later on, this phrasing has become integrally important to the implementation of the law. Another important recognition to make is that the legislation does not include any specifications regarding the two-year rule's exceptions. Instead, the preparatory work to the law, the Proposition 1999/2000:43, specifies the standards and guidelines for implementation. The following section will summarise the background of the Proposition.

5.1.1 Background to the law

The Proposition (Prop. 1999/2000:43) provides a background to, and reasoning behind, the legislation. A short summary will be provided, which is necessary in order to recognise how the two-year rule came about. According to the Proposition, Sweden has practiced regulated migration since 1968 when the first guidelines were drawn in a Proposition named Prop.1968:142. Apart from stating the country's responsibility to accept refugees, the terms and conditions described in this 1968 Proposition were mainly aimed at labour migration – which at the time made up the bulk of migration to Sweden (Prop. 1999/2000:43). In the guidelines it was argued that immigration should be regulated in regard to the current situation on the labour market, as well as the country's capacity to provide housing, health care, and social support. Furthermore, it was established that labour migrants had to be granted their residence permit prior to entering the country. At the time, residence permits were routinely granted to intimate partners of Swedish residents and labour migrants, regardless of having entered the country prior to the application or not. According to the Proposition (Prop. 1999/2000:43) the aforementioned limitation led to a large number of migrants circumventing the regulations and instead entering the country to later apply for

residence, based on family ties to a partner. These cases are described by the Proposition as “fraudulent” marriages/relationships.

In a related matter, the Proposition mentions the European Union’s (EU) strategies to “combat” fraudulent marriages. In a cited resolution (EGT 97/C 382/01) it is stated that fraudulent marriage is a way to bypass the rules of entry and residence of third-country nationals. According to the EU resolution, certain circumstances are mentioned as evidence of fraudulent marriages including: the partners not residing together, the partners not having met prior to marriage, and the partners not sharing a mutual language (Prop. 1999/2000:43, p.21). In order to curb the so-called abuse of the legislation in Sweden, a temporary residence permit, the two-year rule, was introduced for those migrants whose relationships were considered short-term prior to their application. And so, through the introducing of a postponed residence trial, marriage migration was enshrined as a form of regulated migration (Prop. 1999/2000:43). In terms of postponed residence trials, Sweden is not special in this regard; other countries have similar regulations which include variations of postponed residence trials (Anitha 2011).

5.2 Fraudulent marriages and at risk of violence

As previously mentioned, the postponed residence trial, or the two-year rule, was created to “curb the abuse” of the law in relation to fraudulent marriages. The rule was introduced for those relationships which were considered “rapid”, meaning the partners prior to marriage/cohabitation has known one another for a “shorter period of time” (Prop. 1999/2000:43). The Proposition presents critique provided by authorities and women’s aid organisations. Including examples of instances where women are exposed to intimate partner violence within the two-year period and granted inadequate or no support. While the feedback is recalled, the Proposition argues that the system of postponed residence trials, the two-year rule, will be kept in the current legislation. Within the same assessment, the Proposition on one hand emphasises the importance to, as far as possible, prevent residence permits when it can be suspected that the migrant may be subjected to violence or serious violation. On the other hand, the document argues that it is of utmost importance to counteract that residence permits are permitted based on fraudulent marriages or relationships. Thus, an equal emphasis is placed on the risk of violence for the migrant, as on preventing fraudulent relationships.

According to the Proposition (1999/2000:43) in regular cases, both partners are interviewed prior in connection to the application. If there are particular reasons against an approval of the

application, the application should be rejected, even though the relationship appears serious. One such case is if there is a viable risk that the migrant will be subjected to intimate partner violence or serious violation upon settlement in Sweden. To uphold this, it is argued that controls of the Swedish based partner is to be carried out, and that extract from the Police register be retrieved. This action plan would serve as a safeguard for the migrant prior to settling in Sweden. However, as stated in the Governmental Report, SOU 2012:42, changes in legislation on European level (2003/86/EG Right to Family Reunification) contain that married persons should be granted residence permits without hindrance. This means that for couples who are married prior to applying for residence permit, no such regulatory controls are made, unless the Migration Board receives tips that casts doubt on the claims of the couple. Even in doubtful cases however, SOU 2012:42 argues that it is difficult for Migration Board Officers' to justify the collection of such information for married couples. In practice, this means that such controls are rarely done. The new EU legislation, giving married couples an unhindered right to residence, has created a "loophole" for this safeguard principle. The report highlights this via an example of a couple, whose application was first rejected due to risk of intimate partner violence against the migrant and her child. The risk was assessed due to the man's previous felonies of physical and sexual violence towards his previous wife and children. In this case, after the application was rejected, the couple were married and applied again. Which resulted in the woman and her child being granted temporary residence permits (SOU 2012:45).

Based on these examples, SOU 2012:42 strongly urged the Government to revisit the two-year principle of postponed residence trials. However, as visible in Ds 2014:38, and described in the background chapter, these recommendations have not yet been met.

5.3 Exceptions to the two-year rule

It is important to emphasise that when a relationship ends prior to the two-year period, the migrant is to be deported from the country (Prop.1999/2000:43; SOU 2012:45). As seen in the legislation, there are three exceptions to this rule. Having "special ties" to Sweden include situations such as fluency in the language, participation in the labour market/school system for oneself or the migrant's children. The "other strong reasons" criterion includes the risk of social exclusion, or risk of violence, upon deportation. While risk of social exclusion is included in the exception, other situations such as lack of financial opportunities, described in the background chapter (Wilén 2009;2010), are not included. Furthermore, in order to gain permanent residence permit based on the violence-exception, or safeguard principle, certain

requirements must be fulfilled. The Migration Court ruling (MIG 2011:25) clarifies three main aspects when assessing a migrant's eligibility based on this exception: the duration of residence, rule of evidence, and the severity of violence. These will be examined in detail below.

5.3.1 Duration of residence

According to the Proposition (1999/2000:43) when granting a trial for permanent residence permit after the migrant has been subjected to intimate partner violence (IPV), an overall assessment of the circumstances surrounding the situation should be made. In order to obtain residence permit based on the violence-exception, the Proposition clearly states that the relationship should not have been "completely short-term" (Prop. 1999/2000:43, p. 52). It is argued that the closer to the two-year period the relationship has lasted, the lower the requirements should be. Nevertheless, the Proposition does not indicate a specific minimum duration period. Instead, the Migration Board assessments and Migration Court's legally binding ruling are guiding in this matter (SOU 2012:45).

Based on a thorough mapping of different judgements regarding the violence-exception, the SOU 2012:45 report shows that while four months is understood as too short to uphold the criteria for duration of residence, nine months may be enough, depending on the severity of violence. Four months is thus understood as "completely short-term" and therefore makes the violence-exception non-applicable, no matter the severity of violence or amount of evidence (SOU 2012:45, p.83). Conversely, the two reports (SOU 2012:45; Ds 2014:38) clearly states that the criteria concerning duration of residence create excessive obstacles for women experiencing IPV within the two-year period. The review of the legislation's implementation (Ds 2014:38, p.53) indicates that in almost half of the reviewed court rulings, the Migration Office have, while agreeing that violence has indeed occurred, nonetheless rejected the applicant's request to stay based on the duration of residence. These decisions are justified on the grounds that the relationship is considered "completely short-term".

5.3.2 Rule of evidence

When obtaining permanent residence permit based on the violence-exception, the woman has to evidence. The Proposition makes clear that there must be certain circumstances and documents that support the migrant's claim, and "solely claiming" that she has been subjected to IPV is not enough (Prop.1999/2000:43). It is argued unfavourable to make formal requirements for specific documentation, as it would create further obstacles. Instead, the migrant is required to, through documentation, show the likeliness that such violence or

violations have occurred. Documents such as police reports, medical documentations, journals from social services and women's aid organisations should according to the Proposition suffice. Subsequently, the Migration Board Officer is to decide in each individual case if the submitted documentation adequately indicates that violence, or serious violation, has occurred in the relationship. The MIG 2011:25 and Ds 2014:38 offers examples when Migration Board officers have made inadequate assessments of the provided evidence. These include situations when reports have not been sufficiently collected from social services, police reports were understood as insufficient, and claimed that the woman has not reported violence in meetings where the husband/partner have attended and even during meetings where the husband/partner have served as translators.

According to MIG 2011:25 an unprejudiced assessment of the evidence should always be made to determine if the applicant's probability of having been subjected to violence. Upon assessment, special attention should be given to the barriers that may hinder the person to contact police or other authorities. Finally, in order to be granted residence permit based on violence, the applicant has to show that the relationship ended *mainly* due to the violence. Many times, a woman reports the violence when her temporary resident permit ends. In these cases, the woman is required to explain her previous silence about the violence and why she has not previously reported. This criterion is further visible in many of the cases highlighted in the government reports, where the woman is questioned based on the timing of her report.

Migrant women's application for residency based on the violence-exception is seldom rejected due to a lack of evidence. According to the Ds 2014:38 (p.35) report, in 98% of cases, the applicant had provided adequate documentation according to the Migration Court. However, in terms of the Migration Board's first rulings, this number is less. Conversely, the Migration Court argued that there is a lack of knowledge concerning the correct terminology in terms of evidence requirements among the Migration Board's decisions. Although the MIG 2011:25 ruling shows progress in terms of women's situation of IPV, the ruling has not changed legal practice nor affected the legislation in a significant way (Ds 2014:38).

5.3.3 Severity of violence

Apart from the duration of residence the criteria that, according to the reports, create the utmost obstacles for fulfilling the violence-exception's criteria is the severity of violence criterion. The Proposition implies that the exception, or safeguard principle, shall first and foremost apply to cases where migrants or their children are victims of physical violence or serious violations of ones' freedom or peace. The Proposition (1999/2000:43, p.53) indicates

that if any type of violent act or violation would result in an “unconditional right” to a continued residence permit, the Government is afraid that, the exception could be easily abused. Single, “less severe acts” of violence should therefore alone not result in the victim being granted a residence permit in Sweden (ibid.). Thus, single or fewer, “less severe” acts of violence are insufficient reasons to award the victim the right to stay.

As with the other criteria, the severity of violence is not further specified in the Proposition nor the legislation. Instead, the assessment is made by Migration Board officers in each individual case. The lack of established guidelines has made the assessment of severity arbitrary, after all similar acts of violence have been granted different outcomes (SOU 2012:45; Ds 2014:38). The Ds 2014:38 report affirms that the experience has to meet a certain level of severity in order for the victim to be eligible for resident permit based on the exception. The result show that in about half of the rejection decisions, the Migration Board have found that the violence has not been of such character that upholds the violence criteria of the safeguard exception. Based on the mapping and analysis of these rulings, it is evident that violent acts such as being pushed, hit with an open hand, kicked, or strangled, are all forms of violence which does not meet the criteria. These acts of violence have not met the standard even though the violence itself had been systematic and repeated for longer periods of time.

Additionally, the Migration Board seems to believe that violations in the form of control and restrictions of the woman’s freedom, threats of violence, nor threats of deportation are not violent enough as referred in the exception (Ds 2014:38). The report disagrees with the rulings and stresses that although some acts of violence were “less severe”, they are still to be understood as reoccurring and systematic acts of violence. The SOU 2012:45 argues firmly against the “severity of violence” criteria, stressing that within Swedish law, all forms of violence including those mentioned in the Court rulings, are criminalised. Therefore, these should not be mandated within a safeguard exception.

It is further visible that if a woman after having been subjected to violence leaves her partner to then return, this is viewed as an indication that the violence had not been “severe enough”. In depth interviews with four women in SOU 2012:45 show how women had returned to their partner multiple times because they felt dependent on him. The interviewed women reported feelings of isolation, dependency, lack of social networks and lack of other integration opportunities that resulted in them returning to their partners. According to SOU 2012:45 women experiencing IPV in the two-year period are often isolated, lack financial resources

and have little knowledge of their rights which render them dependent on their partner. It is argued that as long as there is a two-year rule, the migrant is placed in a disadvantaged position and risks being exposed to violence or violations (SOU 2012:45). In terms of the two-year period, in practice this timeframe is closer to a three-year period as the process of application after the two-years may still be prolonged (SOU 2012:45). This means that women who settle in Sweden due to marriage migration, and who are exposed to IPV, often face years of uncertainty before eventually obtaining a permanent residence permit, or being deported from the country (SOU 2012:45, p.161-162).

5.4 Concluding remarks

In the SOU 2012:45 report, a survey is presented which had been sent to different women's aid organisations in five regions of the country. The results show that during a three-month period, the aid organisations had encountered at least 491 and at most 1040 women who were victims of IPV within the two-year period. If these numbers were to be multiplied in accordance with the whole country, the survey suggest that the issue concerns thousands of women and children each year. Much like the previous studies have shown (e.g. Pongthipatt et al. 2018; Wilén 2009; 2010), the countries from which the women migrated include Iraq, Iran, Brazil, and South East Asian countries. Some women were also from Kosovo and different countries in Africa (not detailed in the SOU 2012:45 report). The two governmental reports, SOU 2012:45 and Ds 2014:38 conclude that the two-year rule needs to be further investigated and significant changes made. When exposed to violence, women rarely receive residence permit based on the violence-exception of the two-year rule, but rather by the other two exceptions, even in cases where it is clear that she has been subjected to violence (SOU 2012:45; Ds 2014:38). It is not uncommon for the Migration Board to not question whether violence has occurred, but instead reject residence based on the duration of residence or severity of violence (Ds 2014:38). The findings affirm that being exposed to intimate partner violence within the two-year rule is seldom enough to be granted a residence permit if the relationship ends prior to the two-year timeframe (Ds 2014:38; MIG 2011:25; SOU 2012:45).

6. Analysis and discussion

In this chapter, the results of the analysis are discussed in regard to the research questions. First, how and why the two-year rule has come to be referred to as the two-year trap is analysed in light of the empirical findings. Based on this discussion, the second section explores how the potential impact of the two-year rule may be linked to structural violence. Finally, the ways in which intimate partner- and structural violence connect within the two-year rule is analysed and discussed. Further reflections are presented and linked to the previous discussions as well as previous literature and theoretical perspectives.

6.1 The two-year trap

The findings reveal the practical argumentative characteristics of the documents, which formulate the basis for the two-year rule. Implemented to curb the abuse of regulated marriage migration, the two-year rule acts as a form of border control (e.g. Cheng & Choo 2015). As previously described, two safeguard principles are inscribed in the legislation and preparatory work. However, while one principle no longer applies, the other, violence-exception, is seldom fulfilled. The findings indicate that the violence-exception lacks concretisation which in turn creates room for individual interpretations among Migration Board officials, in terms of how the exception should be implemented. Evidently, as the Migration Board is governed by legislation adapted to suit labour immigration, the assumption can be made that this discretionary space allows for decisions to be taken on other grounds than the migrant's exposure to violence. The lack of concrete grounds for practical implementation, in combination with general, somewhat vague, specifications of violence within the legislative documents, has resulted in a situation where the safeguard principles are rarely applied in practice (e.g. Fairclough & Fairclough 2012). These aspects all play a role in why the two-year rule has come to be known as the two-year trap.

When written, the Proposition and legislation included the first mentioned safeguard principle, which gave Migration Board officials the right to obtain relevant police records if it was suspected that violence would occur in the relationship. The principle demonstrated a will to protect migrants from situations of violence upon arrival in the country. However, the aforementioned European Union (EU) resolution on family reunification has resulted in the abolishment of such background checks in regards to married couples. As observed through the findings, this means that a couple who are rejected due to suspicion of violence can marry in order to be granted residence permit (SOU 2012:45). Thus, knowingly placing the woman in a precarious situation. In spite of the resolution's impact on the implementation, the

governmental reports provide proof that the legislation is yet to be updated to fill the gap created by the EU resolution. Noticeable through the empirical findings, it is not uncommon for EU level resolutions to influence national legislation. For example, the practical arguments concerning combating fraudulent marriage in the Proposition are argumentatively in line with that of the aforementioned EU resolutions (e.g. Fairclough & Fairclough 2012). The result: a lack of security background checks combined with granting temporary residence permits to women who are knowingly at risk of violence, render women completely vulnerable to their partners (e.g. Burman 2012; Lenardt 2008; Pongthipatt et al. 2018). Swedish national law as well as resolutions at EU level thus contribute to the shortcomings in responsibility regarding the wellbeing of migrants under this legislation, and adds to the entrapment of female marriage migrants within the two-year rule (e.g. Burman 2012).

The latter mentioned safeguard principle includes three exceptions to the two-year rule, one of which being the violence-exception. The study's findings reaffirm that when subjected to violence within the two-year period, residency is rarely granted due to this exception (SOU 2012:45; Ds 2014:38). The fact that the violence-exception is seldom applied in practice further indicates that this exception is not viewed, by the law nor the implementers, as a serious matter. Again placing the wellbeing of the female marriage migrants at risk. This signals that the three criteria on which the violence-exception is made up of correlates with the two-year rule in creating a trap women experiencing IPV. The three aspects: the duration of residence, the rule of evidence, and the severity of violence, will be further explored in the following text.

Intimate partner violence rarely functions through single events but rather interlink different forms of violence, that in turn forms systematic patterns of abuse (Duffy 2015). In general, Sweden's zero-tolerance approach entails that women are expected to leave their partner at first sign of violence. The zero-tolerance approach is so embedded within Swedish society that women may even be questioned as to why they do not leave an abusive partner (Burman 2012; Lundgren 2012). The lack of specifications as to what is considered 'long enough' for the relationship to be assessed as long-term, places the migrant in a vulnerable situation, since there is no guarantee as to whether or not it is too early to leave. This may create additional hardships for supportive systems, who cannot provide firm answers, and might even have to encourage a woman to stay in an abusive relationship so to fulfil the time criteria (e.g. SOU 2012:45). The dilemma connected to not leaving soon enough, or leaving and then returning

to her partner, adds to her vulnerability while it simultaneously functions to discredit her claims (SOU 2012:45; Ds 2014:38).

The findings from the analysis assert a basic timeframe, in line with Burman (2012), where four months is unquestionably deemed too short, while nine months may be long enough, depending on the severity of violence. In practice, this means that a woman subjected to IPV within the two-year rule must stay with her perpetrator for a minimum of nine months before she can apply for a continued residence permit based on this exception. While researchers argue that it becomes harder to leave an abusive relationship the longer the violence persists (Lundgren 2012), the legislation implies that the longer the woman stays the more likely she is to have experienced violence – therefore, the more likely she is to gain a residence permit. Although it is every nation-state's responsibility to protect women from intimate partner violence (Heimer et al. 2014), in this case, in contrary to the consequences of IPV (Socialstyrelsen 2019), greater emphasis is placed on the longevity of the violence than the protection of these women. The 'duration of residence' is thus a further example of legal regulations put in place to avoid abuse of the two-year rule (e.g. Bonjour & Kraler 2015; Pellander 2015), that in turn correlate to create the entrapment function of the two-year rule.

Previous research stress major obstacles for migrant women when accessing adequate support (Anitha et al. 2018; Guruge et al. 2010; Lenardt 2008; Pongthipatt et al. 2018). Even so, the law and Proposition place a heavy burden on migrant women in the two-year rule to acquire and present satisfactory evidence of abuse. The implied evidence loosely includes documentation from social services, the police, other public authorities and women's aid organisations (Prop. 1999/2000:43). However, the Proposition and legislation do not provide any further detailed requirements regarding evidence, to avoid placing a heavier burden on the victim. Instead, the evidence is assessed by Migration Board officials in each individual case. Although stemming from a constructive will, the empirical findings seem to confirm a lack of knowledge among implementing professionals of which juridical language one should use in terms of evidence. This shortage of knowledge and standards provided for professionals, can create an uncertain and unclear situation for both the migrant, the implementing professional and the Migration Courts (Ds 2014:38; MIG 2011:25).

According to MIG 2011:25 and the government reports, oftentimes the Migration Board officials fail to acknowledge the particular language and/or cultural barriers that may generate obstacles in seeking adequate information and support, which may consequently result in a lack of presentable evidence. It is of importance to note that when assessing evidence, that in

cases where the perpetrator is the woman's link to society, her information flows may be easily cut off as he dictates her actions, and withholds, or even provides false, information (Lenardt 2008). As a result, the perpetrator may be present during her visits with authorities, and may otherwise hinder her from seeking aid which will later function as evidence (MIG 2011:25). Although stemming from a will to hinder obstacles for women, it proves difficult for women's aid organisations and others to support women in gathering evidence (SOU 2012:45). In light of the violence-exception, and the overall zero-tolerance policy against violence, it can be argued that marriage migrants shall be provided with satisfactory translation services and private meetings, so to be given an opportunity to make her claims, without the presence of her partner (e.g. Anitha 2011; Burman 2012).

Apart from the duration of residence, the most central aspect in terms of the two-year rule's violence-exception is the "severity of violence" criteria. This aspect involves vast practical argumentation in the documents that create room for various interpretations (e.g. Fairclough & Fairclough 2012). In line with the theoretical definition (i.e. Duffy 2015), the Proposition defines violence as being systematic, and ongoing for a longer period of time. This definition has however resulted in a situation where, to meet the severity criteria physical violence is almost a must, while "less severe" acts of violence do not sufficiently meet the requirements. This stands in stark contradiction to previous literature and theories, that show how different forms of violence are interlinked. Physical violence may not be the first display of violence, and is seldom the single form of violence exercised (Krebs et al. 2011; Karlsson 2015b; Våldinärrelationer 2018). Acts including threats of deportation aimed to control and manipulate, withholding information, isolation and a general hindrance from participation in society, are all forms of control and restrictions to a woman's freedom and peace (Anitha et al. 2018; Lenardt 2008). Yet, threats of violence, emotional/physiological-, material-, and latent violence are not, according to the empirical findings, understood as "severe enough" to meet the requirements of the violence-exception (Ds 2014:38; MIG 2011:25; SOU 2012:45).

While Swedish law in general is continuously updated in terms of research concerning gender-based violence and women's rights (Burman 2012), this legislation seems to deploy an obsolete approach. Clearly differing from research and theories, the argumentation shows that the mentioned acts of violence are not severe enough, nor are they included in the Proposition and legislation's definition of violence. Arguably, when executed as part of a pattern in particular, these violations could, and should, be understood as systematic and reoccurring acts of intimate partner violence (e.g. Duffy 2015; Krebs et al. 2011; Fawole 2008).

As noted, to fulfil the severity criteria a greater emphasis is placed on physical violence. Even so, while the definition of physical IPV include any intentional act of force with a potential to harm or injure (Krebs et al. 2011), the empirical results imply that all physical violence is not encompassed. As written in the Proposition “less severe” acts of violence and violation do not fulfil the criteria, meaning that the physical violence needs to reach a level of severity. As visible in the results, acts including being pushed, shoved, hit with open hand, kicked, or strangled, are all acts of violence that do not fulfil this severity criteria (Ds 2014:38, p.34). Burman’s (2012:6) argument is here applicable, as the legislation shows an understanding that “less severe acts” of violence include aggravated assaults, harassments, threats and coercion. This argumentation provides implementing professionals with reason for acting against the general definition of violence as well as the national zero-tolerance policy (e.g. Fairclough & Fairclough 2012). This is an important and vital part as to why the two-year rule creates situation of entrapment, as well as a significant difference between rights provided to migrant women as opposed to other women in Sweden (e.g. Burman 2012).

In light of the previously accounted research there is an additional aspect of interest, in terms of the severity of violence requirements, that is the process of leaving an abusive relationship. Although on average, a woman leaves her abusive partner three to five times prior to the definite breakup (Enander & Holmberg 2004; Enander et al. 2011), the empirical findings provide a different point of departure. It is clear that going back to her partner after having left results in the assumption that the violence must not have been *that* severe. A further aspect is that the relationship has to have ended *mainly* due to violence. This is an assumption that the implementing professionals withdraw if the woman has left and gone back to her partner multiple times, prior to applying for a permit based on the violence-exception. The woman’s rational decisions are in these cases forgotten, both in terms of dependency on the partner, the process of leaving, and the fact that the partner might be her only way of receiving a continued residence permit (e.g. Lenardt 2008; Wuest & Merritt-Gray 1999). Again in this context, the legislation and preparatory work’s lack of positioning in academic research is visible (Burman 2012).

Through the analysis, it is evident that the legislation and Proposition have created certain argumentation on which formal decisions concerning residence permits are based (Fairclough & Fairclough 2012). The lack of formalised requirements, the fear of regulated migration being exploited, and the disconnect between the law and general theories concerning intimate partner violence has created a situation where women are forced into a no-win situation (e.g.

Burman 2012). The definition of violence included in the preparatory work and legislation are thus not specific nor broad enough to create concrete and specific action (Galtung 1969; Fairclough & Fairclough 2012). With rigorous requirements concerning duration of residence, rule of evidence and severity of violence, women are forced to choose between staying in a violent relationship or leave with the credible risk of deportation. Based on this reasoning, it almost renders the two-year rule's impact on entrapment, self-explanatory.

6.2 Structural violence and the two-year rule

The implications for, and consequences of, intimate partner violence within the two-year rule are part of a wider structure of power and inequalities. Structural violence, gendered identities and citizenship correlates to create an unjust situation for this group of women. As previously highlighted, the two-year rule functions through a legal framework which enhances migrant women's vulnerable position in regard to their male partners, as well as in relation to general society. Therefore, when conceptualising intimate partner violence within transnational marriages, it is important to understand how gender intersects with other social disadvantages within a globalised world (Anitha et al. 2018). In the following section, based on the preceding arguments, structural violence within the two-year rule is examined. Following this, the ways in which structural violence and intimate partner violence connect within the two-year rule will be discussed.

The multiple forms of violence expressed within the context of the two-year rule are closely interlinked with the woman's migrant status. Threats of deportation, withholding information and participation in integration programmes, all function to constrain the woman's freedom and peace (Anitha et al. 2018; Lenardt 2008; Pongthipatt et al. 2018). The result is a restraint of individual agency and unequal power balance based on her temporary status (e.g. Lee 2016). The legislation and its exceptions arguably create a prerequisite for intimate partner violence, due to an asymmetric power relationship which can be utilised by the "superior" male partner (e.g. Anitha et al. 2018; Lee 2016). When IPV is exercised, behavioural or personal violence may therefore be caused through a situational condition created by the law (e.g. Hirschfield 2017; Galtung 1969). As previously described, an additional aspect when a woman is exposed to IPV, is that she is lawfully hindered from a breakup process similar to that of other women who experience intimate partner violence (e.g. Enander & Holmberg 2004; Enander et al. 2011).

The distance entailed through cross-border marriage may further exacerbate her vulnerabilities, through an absence of allies, networks, and other informational sources of support (Anitha et al. 2018). As shown in the findings, the societal support system may further mistreat these women, through lack of available interpreters, heavy requirements on evidence and a general lack of knowledge about IPV. These structural inequalities are particularly harmful towards migrant women and cause gendered, and racial, disparities (Lee 2016; Sinha et al. 2017). These constraints originate from institutions that hold authority, both in terms of the proposition and law (Government) and the implementation of the regulations (Migration Board). Arguably, the constraints and implications are embedded in societal structures (Lee 2016; Bohm 2018), in terms of the intersection of gender inequalities and migration. This shows how state policies in this case interact with structures of gender oppression and racism (Anitha et al. 2018; Fairclough 2013).

Although multiple safeguard principles were inscribed in the legislation and preparatory works, these lack realistic implementation. The consequences of the two-year rule violence-criteria create unequal power dimensions, both within the interpersonal relationship and between the woman and the general society (Burtle 2013; Lee 2016). The consequences of the two-year rule are violent as they result in physical, psychological, and social harm. While they are structural, being implemented through formal legislation (e.g. Galtung 1969; Lee 2016). In the findings it is observed that the Swedish Government and Parliament have been made aware of the situation of violence within the two-year rule, and have yet to make changes in legislation. The suggested changes in the legislation propose that the suffering caused by the two-year rule is avoidable. While the situation surrounding the two-year rule might not be a deliberate impairment, it is caused by inequalities, prejudices and social norms that are embedded in the legislation (Bohm 2018; Galtung 1969). As a whole, this supports the idea that structural violence is “gendered, embodied, and institutionalised” within the two-year rule (Sinha et al. 2017:134). Conclusions of this sort seem to confirm that the two-year rule’s implications for intimate partner violence is indeed a result of structural violence.

6.3 Structural violence and intimate partner violence in the two-year rule

Structural violence is often interlinked with gender-based and/or racial violence and encompasses a restraint in terms of human rights (Lee 2016). Structural violence function through seemingly neutral policies, such as the two-year rule, while causing unequal effects and disparities for different groups (Bohm 2018; Lee 2016). Although the concept was formulated based on global disparities, caused by (neo-)colonialism and exploitation

(Hirschfield 2017), the reasoning is effectively applied as a means to understand the intersections of power within the situation of the two-year rule (ibid.). Cross-border, or transnational, marriages are part of a wider system of globalisation (Niedomysl et al. 2010). As has been noted, women residing in Sweden within the two-year rule are often from countries located in the so-called Global South (Niedomysl et al. 2010; Pongthipatt et al. 2018; Wilén 2009; 2010). This situation confirms the idea of a gendered pattern of geographical origin (Chiu 2017; Niedomysl et al. 2010). As previously stated, women who migrate to Sweden through marriage migration are agents of their own migration (Niedomysl et al. 2010; Pongthipatt et al. 2018). Even so, these relationships tend to be more unequal than other relationships, and often come to include levels of dependency, as well as vulnerability on the woman's part (Pongthipatt et al. 2018). These arguments are confirmed by the empirical findings which have shown the unequal power dimensions that negatively affect migrant women in the two-year rule. In the following sections, concepts of masculinities, violence, and citizenship are explored in order to discuss how intimate partner violence and structural violence connect within the two-year rule.

In general, two levels of analysis are used when examining men's violence against women; the individual and the systematic (Barchi et al. 2018; Guruge et al. 2010; Wuest & Merritt-Gray 1999). In this particular context, the two aspects are somewhat interlinked. Masculinity may be interlinked with violence, as men's violence against women may be an expression as a means to uphold the gender hierarchy (Hearn et al. 2012; Michalski 2017). Subsequently, using gendered identities, such as masculinities, as an analytical tool is valuable to understand gender-based intimate partner violence (McCarry 2007; Rasmussen 2009). Hegemonic masculinity, sometimes referred to as the global subordination of women (Connell 1995), is somewhat deteriorating in Sweden (Hearn et al. 2012). The Swedish welfare state for instance, built on a traditional male breadwinner model, is becoming increasingly inclusive of women. This development, as with the general social change in the country in regards to genders, has created new dominant ideas of how a man should be (Hearn et al. 2012). The contemporary, equal man, who breaks traditional gender norms and spreads out across the gendered lines, is reserved for the elite (ibid.). Those who are 'othered' are those who stay within the lines of normative masculinity. These men may feel loss of power as the norms shift to exclude them. Reasonably it is on the basis of exclusion from this norm that some Swedish men widen their marriage fields, and look abroad for women with more "traditional" values (Johnsson 2007).

As aforementioned, there are different ways of doing masculinity, some of which may result in violence (Connell 2001; Michalski 2017). Pongthippat et al (2018) claims that Swedish men who engage in cross-border marriages are in general older and less educated than the average married man, this means that they may be othered in Swedish society. While others might be forced to marry by their parents (Anitha 2011), resulting in a lack of power and control. It is plausible that men who subject women to IPV within the two-year rule are also men who are othered in general society. Being older, less educated and having a lower socio-economic standard, might entail that they are excluded from the dominant male norm (Hearn et al. 2012; Pongthippat et al. 2018). Due to this, men in these cross-border marriages may have felt a loss of power in relation to shifting norms and increased gender equality (Hearn et al. 2012; Pongthippat et al. 2018). Subsequently when experiencing loss of power, violence might be exercised, within the context of the two-year rule, as a means to uphold a deteriorating gender hierarchy (Castro 2018; Michalski 2017). Perhaps in some cases, it could even be argued that the cross-border marriage as such, in terms of searching for a partner that lives up to a stereotypical norm in line with one's own version of masculinity, is a measure to reclaim power in itself (Johnsson 2007). Structural violence functions through structures of gender inequality, and may in turn cause situations of personal, or behavioural violence (Lee 2016).

It may be through expressions of traditional ideas of manliness (hyper masculinity) or the embodied need of power, expressed through violence (toxic masculinity) that Swedish men in power asymmetric, cross-border, marriages exert violence (Castro 2018; Michalski 2017; Gracia & Merlo 2016). In this regard, IPV within the two-year rule can be understood as a consequence of societal patterns, exacerbated as a mean of upholding power within an increasingly gender equal society (e.g. Hearn et al. 2012; Gracia & Merlo 2016). Conversely, within these transnational marriages, while gendered identities are negotiated directly within and across transnational borders, gender clearly intersects with other axes of power (e.g. Anitha et al. 2018). Gendered agency operates, or is constrained, within these relationships (ibid). In the context of the two-year rule, the Swedish based/born man is able to use the legislation to his advantage, while the same legislation, and even the rules put in place to safeguard the victim, forcefully constrains the migrant woman's agency. For her, discrimination and cultural stigma constitutes her subordination to her partner, which was made clear in the documents analysed in this study. Thus linking intimate partner- and structural violence within the two-year rule.

The aforementioned indication that female marriage migrants tend to move from less wealthy countries in order to better their life for themselves and their families, is a circumstance which creates fear, visible in the analysed documents, that the right to residency based on family ties will be “abused”. Due to this fear, the mentioned indication is used to feed into the moralising idea that women are “faking” relationships in order to gain citizenship (e.g. Cheng & Choo 2015). Resulting in controls and restraints aimed at identifying fraudulent relationships (Pellander 2015), that consequently render women in particularly vulnerable situations (Burman 2012). In Sweden such controls are put in place through the two-year rule and its exceptions. In the context of the Swedish two-year rule, the will to uphold regulated migration is evidently placed higher on the agenda than the commitments to ensure female migrant’s human rights and prevent intimate partner violence (i.e. Heimer et al. 2014).

Although Sweden has obliged to provide equal rights to migrants, this group is subjected to vast surveillance and discipline (Marchand & Runyan 2011) while contesting the structures of citizenship (Yuval-Davis 1997). During the two-year period, formal citizenship is yet uncertain, meaning that the group is dependent on specific rules and regulation which will determine their right to stay (Yuval-Davis 1997). In a sense, the two-year rule serves as border control (e.g. Cheng & Choo 2015; Burman 2012). The idea of border control leads ones thinking to citizenship oriented ideas of inclusion and exclusion. Although this group in theory holds the same rights as other citizens, the lack of formal citizenship excludes these women from achieving the same social, political, and civil rights that other citizens hold (Marshall 1950; Yuval-Davis 1997). In fact, any rights this group holds are conditioned, based on certain, and somewhat verbose, criteria. Through the lack of citizenship rights when exposed to IPV in the two-year rule, this group of female marriage migrants become a subordinate group in Swedish society (Burman 2012; Pongthipatt et al. 2018; Wilén 2009; 2010). Perhaps it is through this lack of formalised citizenship, that the assumed prevalence of structural violence can be questioned. Although structural violence is visible through the two-year rule, having created a situation of entrapment where perpetrators may utilise the legislation for their advantage, can structural violence be carried out against those who are not formal citizens?

In line with Marchand and Runyan’s (2011) claims, the empirical findings found that migrant women within the two-year rule are subjected to regimes of surveillance, and are denied rights based on a lack of (full) citizenship and belonging. Therefore, they do not have the legal recognition as *full* members of the nation-state (e.g. Shklar 1991). Formal legal framework

constructs this group as a gendered, racialized citizen, while seemingly gender-neutral legal frameworks in practice create a particularly vulnerable and disposable category of women (Anitha et al. 2018). These structural preconditions draw attention to the concept of ‘*disposable women*’. The majority of women enduring violence within the two-year rule are women migrating from the Global South (Burman 2012; Pongthipatt et al. 2018; Wilén 2009; 2010). As “third-country” citizens they are constructed as a subordinate category of citizens (Anitha et al. 2018), while being expected to endure heavier, and more long-term IPV than other women in Sweden. As a group assumed to fake marriages in order to gain citizenship (Cheng & Choo 2015), heavy border control is aimed at these relationships. Through this, assumingly ensuring a regulated migration becomes more important than this group’s wellbeing, making them ‘disposable’ in relation to combating fraudulent marriages (e.g. Anitha et al. 2018).

In summary, the empirical findings indicate that women suffering IPV within the two-year rule face restraints to their civil, social and political rights (e.g. Marshall 1950). The intersection of gender, ethnicity, and migrant status informs the experience of, and support provided after, IPV within the two-year rule (Chiu 2017; Pongthipatt et al. 2018). Differing from Sweden’s otherwise zero-tolerance policy (Burman 2012), this group of women are expected to endure severe violence for a considerable period of time. A structural precondition, the law, has direct effect on the prevalence and consequences of behaviour violence through IPV. It is clear that the consequences of the two-year rule, and the subsequent violence-exception, include political, social, and legal constraints that hinder these women from achieving an equal quality of life (e.g. Lee 2016). Consequently, embedded societal structures in the making and implementing of the legislation, provide unequal access to power and result in unequal life chances (e.g. Galtung 1969).

7. Conclusions

Through a critical analysis of the Swedish Alien Act's two-year rule and associated documents, this study aimed to explore the ways in which the two-year rule might create a situation of entrapment for women experiencing intimate partner violence (IPV) within the time period. Based on these results, a discussion of this potential impact's connectedness to the concept of structural violence, as well as if, and if so in what ways, structural violence and IPV connect within the two-year rule. The regulations aimed to uphold regulated marriage migration are saturated with moralising ideas that women within the two-year rule are faking relationships in order to gain citizenship (e.g. Cheng & Choo 2015). This moralisation has set the tone for the entire legal framework of the two-year rule. Conversely, it has not only shaped the experience of violence, which is closely linked to the women's temporary status, but also the resources and support available to this group upon experiencing violence. The findings of this study show that, due to stringent criteria, fulfilling the requirements of the violence-exception is unlikely. Subsequently, women exposed to intimate partner violence (IPV) are more likely to gain residency based on one of the two other exceptions: either having special ties to the country or other strong reasons.

Through a lack of specified criteria and practical argumentation, the legislation creates room for interpretation. It is through the combination of an outdated legislation, lack of evidence-based criteria, as well as a shortage of specified knowledge among the implementing bodies, that the two-year rule has come to create a situation of entrapment for women experiencing IPV. The two-year rule restrains individual agency and creates a susceptible situation for migrant women, making them particularly vulnerable to IPV and state-based coercive control (Anderson 2009; Anitha et al. 2018). The findings of this study indicate that the consequences of the two-year rule are structural, due to a formalised legislation and entrenched with social dimensions of power. While they are violent, as the legislation enables perpetrators to utilise the law to their advantage, while forcing migrant women to endure heavy violence for longer periods of time to fulfil the criteria. On the basis of this argumentation, the impacts of the two-year rule are arguably symptoms of structural violence (e.g. Lee 2016).

Through notions of patrilocality, gendered patterns of migration and globalised marriage fields (e.g. Johnsson 2007; Nedomysl et al. 2010), migrant women, mainly from the Global South, come to Sweden through marriage migration. Upon arrival, the two-year rule is imposed on those, whose relationships are not considered well established (Burman 2012; Pongthipatt et al. 2018; SOU 2012:45). Implemented to combat fraudulent marriages, the

two-year rule functions as a form of border-control for marriage migration that places migrant women in relationships of asymmetric power (Bonjour & Kraler 2015; Cheng & Choo 2015). These relationships in turn heightens her risk of being exposed to violence (e.g. Anitha et al. 2018; Anitha 2011). Through structural preconditions within the legal framework, which create gendered disparities and enhance the risk of behavioural/personal violence, IPV and structural violence connect within the two-year rule. Consistent with previous research (Burman 2012; Lenardt 2008; Pongthipat et al. 2018), this study has observed that upon migration, the woman's vulnerable situation is exacerbated by structural inequalities in her new nation. When exposed to IPV, the stringent criteria required to gain residency forces women within the two-year rule to endure severe violence for longer periods of time, while providing vast evidence that support her claims. This casts her out from Sweden's otherwise zero-tolerance policy and obligations to combat gender-based violence, making her "disposable" in favour of ensuring a regulated marriage migration (e.g. Anitha et al 2011). As has been argued, cross-border marriages in general, and female marriage migrants in particular, tend to contest the boundaries of citizenship (Cheng & Choo 2015). Through a lack of formalised citizenship combined with their temporary status, women who experience IPV within the two-year rule have become a subordinate category of citizens (Marchand & Runyan 2011; Yuval-Davis 1997). The gendered citizen, or marriage migrant, thus becomes a social, cultural and political category determined by the formal legal framework of the two-year rule. Consequently, the seemingly gender-neutral framework around the two-year rule, constructs this group as a disposable category of women (Anitha et al. 2018).

While gendered and sociocultural norms contribute to the harm caused by the two-year rule, these are simultaneously enabled, and continuously sustained, by the legal framework and implementing officials. The structural harm and individual hardship caused by the two-year rule is therefore considerably preventable. Having ratified the United Nation's CEDAW convention, Sweden is obliged to protect women and prevent intimate partner violence (Heimer et al. 2014). By claiming the two-year rule's connectedness to structural violence, perhaps the state will have to oblige by their commitments and begin to protect all women's human rights.

7.1 Ways forward

Studies of this kind, that deploy a critical method and analysis, seek to analyse power dynamics in society in order to formulate arguments which may initiate a process of change (Jørgensen & Phillips 2002). In line with Anitha et al. (2018:769) it has been affirmed that

inadequacies of seemingly gender-neutral legal frameworks create unequal opportunities for different groups. Subsequently, it has rendered female marriage migrants in Sweden a particularly vulnerable and “disposable category of women”. Sweden is legally committed to protect women from intimate partner violence (Heimer et al. 2014). It is by addressing the very structures that function to enhance women’s vulnerabilities, that solutions can be found. In order to do so, the two-year rule legislation needs to be revisited. If not demolished, changes should be made in correlation with new resolutions and laws, including the zero-tolerance policy against violence, on the basis of research concerning intimate partner violence. Capacity building for implementing professionals is a further necessity in order to attain a correct implementation of the legislation. In addition, perpetrators must be held account for their actions, while society should work towards a better protection of all women’s human rights.

7.2 Further research

This thesis has not been exhaustive in regard to the situation of women experiencing violence within the two-year rule, as several aspects are left unacknowledged. The agency and strategies among women exposed to violence within the two-year rule, the ways in which they navigate through the regulations and support system would be of interest for future research. As would the inclusion of the concerned children into any continued research about the two-year rule, in order to provide a more all-encompassing depiction. Admittedly, the groups and situations discussed in the delimitations would be of further interest to research. Furthermore, the question of structural violence in regard to citizenship, would be interesting to explore further. The discussion on structural violence has led thinking to social movements and social change, which in turn may reduce, or even eliminate, the structural harm caused by gendered and racial disparities (e.g. Lee 2016). Each of these topics would be valuable and include an objective to increase awareness of the situation and effects of the two-year rule.

Lastly, research studying the perpetrators, the ways in which they use the legislation to their advantage and why they exacerbate violence, would be of interest to prevent further exploitation of women and the legislation. Such research could contribute to a well needed basis on which to secure any prevailing “loopholes” of the current law, and further contribute to ensure prevention measures against gender-based intimate partner violence.

References

- Ackerly, Brooke A., & True, Jacqui. (2010) *Doing Feminist Research in Political and Social Science*. Basingstoke: Palgrave Macmillan.
- Anderson, Kristin L. (2009) Gendering Coercive Control, *Journal of Violence Against Women* 15:12, 1444-1457.
- Anitha, Sundari. (2011) Legislating Gender Inequalities: The Nature and Patterns of Domestic Violence Experienced by South Asian Women With Insecure Immigration Status in the United Kingdom, *Journal of Violence Against Women* 17:10, 1260-1285.
- Anitha, Sundari., Roy, Anupama., & Yalamarty, Harshita. (2018) Gender, Migration, and Exclusionary Citizenship Regimes: Conceptualizing Transnational Abandonment of Wives as a Form of Violence Against Women, *Journal of Violence Against Women* 24:7, 747 –774.
- Antman, Francisca M. (2018) “Women and Migration”. In Averett, S., Argys, L., & Hoffman, S (Eds.), *The Oxford Handbook of Women and the Economy*. Oxford University Press.
- Barchi, Francis., Winter, Samantha., Dougherty, Danielle., & Ramaphane, Peggie. (2018) Intimate Partner Violence Against Women in Northwestern Botswana: The Maun Women’s Study, *Journal of Violence Against Women* 24:16, 1909 –1927.
- Bergström, Göran. & Boréus, Kristina. (2012) ”Samhällsvetenskaplig text- och diskursanalys”. in Bergström, G. & Boréus, K. (Eds.). *Textens mening och makt: metodbok I samhällsvetenskaplig text- och diskursanalys*. Lund: Studentlitteratur.
- Bohm, Alexandra. (2018) “structural violence” in Brown, G.W., McLean, I. & McMillan, A. (Eds.). *A Concise Oxford Dictionary of Politics and International Relations*. Oxford University Press.
- Bonjour Saskia., & Kraler, Albert. (2015) Introduction: Family Migration as an Integration Issue? Policy Perspectives and Academic Insights, *Journal of Family Issues* 36:11, 1407-1432.
- Braun, Virginia., & Wilkinson, Sue. (2005) Vagina equals woman? On genitals and gendered identity, *Women’s Studies International Forum* 28, 509-522.
- Bryman, A. (2012) *Social Research Methods*. Oxford: Oxford University Press.
- Burman, Monica (2012) Immigrant Women Facing Male Partner Violence - Gender, Race and Power in Swedish Alien and Criminal Law, *Feminist@law*, 2:1, 1-26.
- Burtle, Adam (2013) Structural violence: inequality and the harm it causes, *The Canadian Journal of Peace and Conflict Studies* 20:2, 84-98.

- Butler, Judith. (1998) Subjects of Sex, Gender, Desire, *Journal of Feminism and Politics*, 273-291.
- Castro, S. (2018, Sep 13). Toxic masculinity. *University Wire*. Retrieved from <https://search-proquest-com.ezproxy.ub.gu.se/docview/2108793233?accountid=11162>
- Cheng, Catherine Man Chuen., & Choo, Hae Yeon (2015) Women's Migration for Domestic Work and Cross-Border Marriage in East and Southeast Asia: Reproducing Domesticity, Contesting Citizenship, *Sociology Compass* 9:8, 654–667.
- Chiu, Tuen Yi. (2017) Marriage Migration as a Multifaceted System: The Intersectionality of Intimate Partner Violence in Cross-Border Marriages, *Journal of Violence Against Women* 23:11, 1293 –1313.
- Clark, Cari Jo., Ferguson, Gemma., Shrestha, Binita., Nanicha Shrestha, Prabin Nanicha., Oakes, J. Michael., Gupta, Jhumka., McGhee, Susi., Chaeong, Yuk Fai., & Young, Kathryn M. (2018) Social norms and women's risk of intimate partner violence in Nepal, *Social Science & Medicine* 202, 162-169.
- Connell, Raewyn. (1995). *Masculinities*. Cambridge: Polity Press
- Connell, Raewyn. (2001), Understanding Men: Gender Sociology and the New International Research on Masculinities, *Journal of Social Thought and Research* 24:1/2, 13-31.
- Creswell, John W. (2003) *Research design: qualitative, quantitative, and mixed methods approaches*. Lincoln: Sage Publications
- Dobash, Emerson R. & Dobash, Russell P. (1998). "Violent Men and Violent Contexts". In Dobash, R. & Dobash, R (Eds.), *Rethinking violence against women*. London: Sage Publications
- Duffy, Lynne. (2015). Achieving a Sustainable Livelihood After Leaving Intimate Partner Violence: Challenges and Opportunities, *Journal of Family Violence* 30, 403–417.
- Enander, Viveka. & Holmberg Carin. (2004) *Varför går hon? Om misshandlade kvinnors uppbrottsprocesser*. Ystad: Kabusa böcker
- Enander, Viveka. & Holmberg Carin. (2011) *Hur går hon? Om att stödja våldsutsatta kvinnors uppbrottsprocesser*. Lund: Studentlitteratur
- Fairclough, Isabela & Fairclough, Norman. (2012) *Political Discourse Analysis: A method for advanced students*. Routledge.
- Fairclough, Norman. (2013) Critical discourse analysis and critical policy studies, *Critical Policy Studies* 7:2, 177-197.

- Fawole, Olufunmilayo I. (2008) Economic Violence to Women and Girls: Is it Receiving the Necessary Attention?, *Trauma, Violence & Abuse* 9:3, 167-177.
- Fernbrant, Cecilia. (2013) Violence against foreign-born women in Sweden. *Division of Social Medicine and Global Health*, Faculty of Medicine, Lund University.
- Finfgeld-Connett, Deborah. (2014) Use of content analysis to conduct knowledge-building and theory-generating qualitative systematic reviews, *Journal of Qualitative Research* 14:3 341 –352.
- Gracia, Enrique & Merlo, Juan. (2016) Intimate partner violence against women and the Nordic Paradox, *Journal of Social Science & Medicine* 157, 27-30.
- Guruge, Sepali., Khanlou, Nazilla., & Gastaldo, Denise. (2010) Intimate male partner violence in the migration process: intersections of gender, race and class, *Journal of Advanced Nursing* 66:1, 103–113.
- Hearn, Jeff., Nordberg, Marie., Andersson, Kjerstin., Balkmar, Dag., Gottzén, Lucas., Klinth, Roger., Pringle, Keith. & Sandberg, Linn. (2012) Hegemonic Masculinity and Beyond: 40 Years of Research in Sweden, *Journal of Men and Masculinities* 15, 31–55.
- Heimer, Gun., Björck, Annika., & Kunosson, Chrystal. (2014). "Inledning" in Heimer, G., Björck, A., & Kunosson, C. (Eds.). *Våldsutsatta kvinnor – samhällets ansvar*. Lund: Studentlitteratur.
- Hirschfield, Katherine. (2017). Rethinking "Structural Violence". *Journal of Global Society* 54, 156-162.
- IOM (2018). Gender and Migration. Retrieved 2018-09-25 from <https://www.iom.int/gender-and-migration>
- Isdal, Per. (2002) *Meningen med våld*. Gothia Fortbildning AB.
- Johnson, Ericka. (2007) *Dreaming of a Mail-Order Husband: Russian-American Internet Romance*. Durham, NC: Duke University Press.
- Johnsson-Latham, Gerd. (2014). "Mäns våld mot kvinnor i ett globalt perspektiv" in Heimer, G., Björck, A., & Kunosson, C. (Eds.). *Våldsutsatta kvinnor – samhällets ansvar*. Lund: Studentlitteratur.
- Jørgensen, Marianne W., & Phillips, Louise. (2002) *Discourse Analysis as Theory and Method*. London: Sage Publications
- Karlsson, Marianne. (2015a) Materiellt våld [material violence] Samverkan mot våld Retrieved 2018-10-23 from <http://www.valdmotnara.se/omvaldinararelation/valdetsolikauttryck/materielltvald.4.4f12e2b41399619c73c3b6.html>

Karlsson, Marianne. (2015b) Latent våld [Latent violence] Samverkan mot våld. Retrieved 2019-03-04 from <http://www.valdmotnara.se/omvaldinararelation/valdetsolikauttryck/latentvald.4.4f12e2b41399619c73c3c1.html>

Karlsson, Marianne. (2015c) Samband med våld mot djur [Connections with violence against animals] Samverkan mot våld. Retrieved 2019-03-04 from <http://www.valdmotnara.se/omvaldinararelation/sambandmedvaldmotdjur.4.138ec6ce13e798054702595.html>

Kofman, Eleonore. (2012) Gendered migrations, social reproduction and the household in Europe, *Dialect Anthropol* 38, 79-94.

Krebs, Christopher., Breiding, Matthew J., Browne, Angela., & Warner, Tara. (2011) The Association Between Different Types of Intimate Partner Violence Experienced by Women, *Journal of Family Violence* 26:487–500.

Köljning, Cecilia. (2015, Apr 21) Tvåårsregeln låser fast kvinnor i våldsamma relationer. Retrieved 2018-10-02 from <https://www.gu.se/omuniversitetet/aktuellt/nyheter/detalj//tvaarsregeln-laser-fast-kvinnor-i-valdsamma-relationer.cid1287514>

Lee, Bandy X. (2016) Causes and cures VII: Structural violence, *Journal of Aggression and Violent Behaviour* 28, 109-114.

Lenardt, Grazyna. (2008) “*Invandrarkvinnor I vägsäl*”: *Deras handlingar och val I våldspräglade relationer från ett genuspsykologiskt perspektiv*. Acta Universitatis Upsaliensis. *Studia Pshyologica Upsaliensia* 23. Uppsala: Uppsala Universitet.

Leung, Lawrence. (2015) Validity, reliability, and generalizability in qualitative research, *Journal of Family Medicine and Primary Care*, 4:3, 324-327.

Lundgren, Eva. (2012) *Våldets normaliseringsprocess och andra våldsförståelser*. ROKS.

Marchand, Marianne H., & Runyan, Anne Sisson (2011) “Sites” in Marchand, M.H., & Runyan, A S. (Eds.). *Gender and Global Restructuring. Sightings, sites and resistances*. RIPE Series in Global Political Economy.

McCarry, Melanie. (2007) Masculinity studies and male violence: Critique or collusion?, *Women’s Studies International Forum* 30:5, 404-415.

Michalski, Joseph H. (2017) Status Hierarchies and Hegemonic Masculinity: A General Theory of Prison Violence”, *British Journal of Criminology* 57:1, 40-60.

Niedomysl, Thomas., Östh, John, & van Ham, Maarten. (2010) The Globalisation of Marriage Fields: The Swedish Case, *Journal of Ethnic and Migration Studies*, 36:7, 1119-1138.

Nordborg, Gudrun. (2014) "Mäns våld mot kvinnor" in Heimer, G., Björck, A., & Kunosson, C. (Eds.). *Våldsutsatta kvinnor – samhällets ansvar*. Lund: Studentlitteratur.

Nylén, Lars (2014). "Rättväsendet – polisens, åklagarens och domstolens roller" in Heimer, G., Björck, A., & Kunosson, C. (Eds.). *Våldsutsatta kvinnor – samhällets ansvar*. Lund: Studentlitteratur.

Pellander, Saara. (2015) "An Acceptable Marriage": Marriage Migration and Moral Gatekeeping in Finland, *Journal of Family Issues* 36:11, 1472 –1489.

Pillow, Wanda S. (2003) Confession, catharsis, or cure? Rethinking the uses of reflexivity as methodological power in qualitative research, *International Journal of Qualitative Studies in Education* 16:2, 175-196.

Pongthipat, Weerati., Darvishpour, Mehrdad., Kijsonporn., Jureerat & Östlund, Gunnel. (2018) Broken dreams of a better life in Sweden: Thai women's lived experiences of intimate partner violence by Swedish men in international marriages, *Global Health Action*, 11, 1.

Potter, Hillary (2007) Battered Black Women's Use of Religious Services and Spirituality for Assistance in Leaving Abusive Relationships, *Journal of Violence Against Women* 13:3, 262-284.

Rasmussen, Mary Lou. (2009) "Beyond gender identity?", *Gender and Education* 21:4, 431-447.

Rose, Gillian (1997) Situating knowledges: positionality, reflexivities and other tactics, *Progress in Human Geography* 21:3, 305-320.

Sinha, Parul., Gupta, Uma., Singh, Jyotsna., Srivastava, Anand. (2017). Structural violence on women: An impediment to women empowerment. *Indian Journal Community Medicine* 42, 134-7.

Socialstyrelsen (2019) Utsatta för våld i nära relationer. Retrieved 2019-03-14 from <http://www.socialstyrelsen.se/valds-ochbrottsrelateradefragor/valdinararelationer/valdsutsatta>

United Nations (1993) Declaration on the Elimination of Violence against Women: Article 1 Retrieved 2019-05-08 from <https://www.un.org/documents/ga/res/48/a48r104.htm>

United Nations (2017), International Migration Report 2017 (ST/ESA/SER.A/403), Department of Economic and Social Affairs, Population Division.

Våld i nära relationer (2018) Om våld [About violence]. Retrieved 2019-03-20 from <http://www.valdinararelationer.se/om-vald/>

Watt Boolsen, Merete. (2007) *Kvalitativa analyser*. Gleerup.

WHO (2013). Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence. Retrieved 2019-02-19 from https://apps.who.int/iris/bitstream/handle/10665/85239/9789241564625_eng.pdf;jsessionid=38CF621A1CB4E88EEB1DC1917196900F?sequence=1

Wilén, Emma. (2009) Täckmantel: äktenskap Kvinnojourernas erfarenhet av fruimport. Riksorganisationen för kvinnojourer och tjejjourer i Sverige (ROKS) Rapport 2/2009.

Wilén, Emma. (2010) Fruimporten fortsätter: Om kvinnor som utsätts för våld i anknytningsrelationer. Riksorganisationen för kvinnojourer och tjejjourer i Sverige (ROKS) Rapport 2/2010.

Wuest, Judith., & Merritt-Gray, Marilyn. (1999) Not going back: Sustaining the Separation in the Process of Leaving Abusive Relationships, *Journal of Violence Against Women* 5:2, 110-133.

Yuval-Davis, Nira (1997). *Gender & Nation*. Sage.

Blog posts

Bagavac, Katarina (2014) Att leva med våldet är somligas bästa alternativ. Retrieved 2019-05-06 from <http://gbg.agendajamlikhet.se/blogg/post/att-leva-med-valdet-ar-somligas-basta-alternativ>

Motions

Betänkande 2015/16:SfU15 Retrieved 2019-05-15 from https://www.riksdagen.se/sv/dokument-lagar/arende/betankande/anhorig--och-arbetskraftsinvandring_H301SfU15

Motion 2015/16:2192 by Elin Lundgren et al. (S). Retrieved 2019-05-15 from https://www.riksdagen.se/sv/dokument-lagar/dokument/motion/tvaarsregeln_H3022192

Newspaper articles

Shala, Xhenita (2017) Det är hög tid att Sveriges regering avskaffar den grymma tvåårsregeln. ”Debattinlägg” *Sydsvenskan*. Retrieved 2019-04-30 from <https://www.sydsvenskan.se/2017-04-24/det-ar-hog-tid-att-sveriges-regering-avskaffar-den-grymma-tvaarsregeln>

Primary sources

Ds 2014:38 Fortsatt uppehållstillstånd vid brusten anknytning på grund av våld eller allvarlig kränkning: En kartläggning av tillämpningen. [Ds 2014:38 Continued residency after broken ties due to violence or serious violation – a mapping of the implementation]

MIG 2011:25 Praxis: Migrationsöverdomstolen [MIG 2011:25 Precedent: Migration Court of Appeal]

Regeringens proposition 1999/2000:43, Uppehållstillstånd på grund av anknytning.
[Government's proposition 1999/2000:43, Residence permit based on family ties]

SOU 2012:45 Kvinnor och barn i rättens gränsland. [SOU 2012:45 Women and Children in
the Court's Borderland]

Utlänningslagen 2005:716, 5 kap. Uppehållstillstånd. [The Alien Act 2005:716, 5 chapt.
Residence permits]